

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41455 of 2021

Arising Out of PS. Case No.-472 Year-2020 Thana- PARBATTa District- Khagaria

ROHIT KUMAR Son of Pawan Singh Resident of Village - Shri Rampur
Thuthi, P.O.- Temtha, P.S.- Parbatta, Distt.- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 07-01-2022 Heard Mr. Shashank Shekhar, learned counsel for
the petitioner and Mr. Choubey Jawahar, Additional Public
Prosecutor for the State through video conferencing.

Petitioner seeks regular bail in connection with
Parbatta PS Case No. 472/2020 registered for the offence
punishable under Sections 302/201/34 of the IPC.

As per prosecution case lodged by *Chowkidar* that a
dead body of a person was found lying near outhouse of Pappu
Sangahi having deep injury on the head. The FIR was lodged
against unknown persons.

Learned counsel for the petitioner submits that the
petitioner is not named in the FIR, however, during course of
investigation, confessional statements of co-accused persons,
namely, Kunal Kanhaiya and Chhotu Kumar @ Chhotu Thakur



were recorded wherein they have stated that it was the petitioner who killed the deceased by means of sharp cutting weapon and bullet. Learned counsel for the petitioner further submits that from perusal of the postmortem report, it would be evident that the deceased did not receive any fire-arm injury and the cause of death is due to assault upon the deceased by hard and blunt substance.

It is further submitted that even if the confessional statement of the co-accused persons is taken, for the sake of argument, the same is not corroborated by the postmortem report of the deceased. He next submits that petitioner is a stranger to the deceased and his family members and he has not committed any offence in the manner alleged.

On the other hand, learned counsel for the State, referring to the case diary, submits that as per CDR, location of the petitioner was found near the place of occurrence and the co-accused persons took the name of the petitioner in their confessional statements. As such, the petitioner does not deserve the privilege of bail.

Having regard to the submissions made by the parties and taking into consideration the material on record and the nature of allegation and fact that the death of the deceased has



not been caused by fire arm injury, the petitioner is in custody since 09.01.2021 and the charge-sheet has been submitted in the matter, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, ROHIT KUMAR be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Khagaria in connection with Parbatta PS Case No. 472/2020.

(Anil Kumar Sinha, J)

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