

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.76172 of 2018**

Arising Out of PS. Case No.-220 Year-2018 Thana- SAHEBPUR KAMAL District-  
Begusarai

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Parmeet Kumar, Son of Bindeshwari Sharma, Resident of Village- Rachiyahi  
Kachahari Tol, Ward No. 1, P.S.- Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ram Sumiran Rai

For the Opposite Party/s : Mr.Sri Atul Chandra

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

4      28-02-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner is languishing in custody since  
24.07.2018 in a case registered for the offences punishable  
under Sections 302, 201 and 120B/34 of the Indian Penal Code.

The prosecution case got initiated on the fardbeyan of  
Chaukidar recorded by S.I., Rajesh Kumar Yadav of Sahebpur  
Kamal Police Station is to the effect that dead body of a girl  
aged about 18 years was recovered with injury on the neck and  
abdomen, which could not be identified and hence, the FIR was  
lodged against unknown. During investigation, it transpired that  
the victim, Sonali had love affair with co-accused Sumit Kumar,  
but subsequently she developed same fascination with some  
other boy which was being objected by co-accused Sumit



Kumar but she did not agree then co-accused Sumit Kumar and this petitioner conspired to eliminate her and consequently, Sonali was killed. During investigation, the petitioner as well as co-accused Sumit Kumar made their confession and in pursuance to the confession of the petitioner and co-accused Sumit Kumar, the dagger used in commission of the offence was recovered. The mobile phone which was used in commission of the offence was also recovered from the possession of co-accused Deepak.

It is submitted by learned counsel for the petitioner that even assuming the confession of the petitioner as well as co-accused Sumit Kumar, in fact, the victim was killed by co-accused Sumit Kumar. From the confession of co-accused Sumit Kumar, it transpired that the victim was being called by co-accused Sumit Kumar and the petitioner was also present on the spot from before. Moreover, the motive of occurrence is that co-accused Sumit Kumar and victim Sonali got married and during investigation, the police has recovered marriage photographs of co-accused Sumit Kumar and the victim, Sonali from the house of co-accused Sumit Kumar.

Learned APP after going through the case diary submits that on the confession of the petitioner, the dagger used



in commission of the offence was recovered. The petitioner and co-accused Sumit Kumar were sharing common intention which gets reflected from the confession of co-accused Sumit Kumar as well as the petitioner.

Considering the fact that, though, co-accused Sumit Kumar has admitted that he has killed the victim, the petitioner did not committed the offence of murder but he was sharing common intention, this Court is not inclined to grant bail to the petitioner in connection with Sahebpur Kamal P.S. Case No. 220 of 2018, pending in the Court of learned A.C.J.M.-V cum Sub-Judge, Begusarai.

Accordingly, the prayer for bail of the petitioner is rejected for the present.

However, if the trial is not concluded within a period of nine months, the petitioner will be at liberty to renew the prayer for bail.

**(Dinesh Kumar Singh, J)**

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