

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38225 of 2015

Arising Out of P.S. Case No. -300 Year- 2014 Thana -RAMPUR District- GAYA

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Birendra Prasad @ Barhan Prasad S/o Late Moti Prasad, resident of
Mohalla- Rampur Basti, P.S.- Rampur, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. D.P.Tiwary (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 07-12-2015

Heard both sides.

The petitioner apprehends his arrest in a case under
Section 364 of the Indian Penal Code. Later on, Sections 302, 201,
120(B) IPC were added.

The F.I.R. was lodged against the owner of Mobile
No. 9801957349. The informant alleged that from the aforesaid
mobile, many calls had come on the mobile of his son bearing no.
8804659935. Even on 02.10.2014, four calls were made on the
mobile of his son, who was an auto-rickshaw driver. It is
submitted that the petitioner is not named in the F.I.R. and nothing
has been recovered from the possession of the petitioner. It is
submitted that it has come in Para 56 of the case diary in which
the brother of the deceased has made allegation and suspected the
hands of the petitioner in killing Sudhir Kumar but the learned

counsel for the informant as well as learned A.P.P. referred Paras 18 & 26 of the case diary and disclosed that Vicky Kumar made his confessional statement and disclosed the name of some of the accused Golu Chaudhary and others. Golu Chaudhary, in his confessional statement made in Para 26 of the case diary, disclosed that Sudhir Kumar was killed at the instance of the petitioner on payment of Rs. 50,000/- and in pursuance of the confessional statement of Golu Chaudhary, the dead body was recovered. The arms by which Sudhir Kumar was killed was also recovered.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail in Rampur P.S. Case No. 300 of 2014. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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