

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.64952 of 2018**

Arising Out of PS. Case No.-243 Year-2018 Thana- WAJIRGANJ District- Gaya

Binod Sharma Son of Prahlad Mistri Resident of Village-Budhghariya,P.S.  
Wazirganj,Distt.-Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary, Advocate  
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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

2     14-12-2018                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with  
Wazirganj P. S. Case No.243 of 2018 registered under Sections  
302 and 201 read with 34 of the Indian Penal Code.

Learned counsel for the petitioner submitted that from  
perusal of the first information report itself, it would be manifest  
that the petitioner was not in any manner connected with killing  
of the sister of the informant. The only allegation made against  
him and others is that when his brother-in-law Bharat Mistry  
had killed his sister, the neighbours helped him in disposing of  
the body hurriedly. He submitted that said allegation would, at  
best, attract an offence under Section 201/34 of the Indian Penal  
Code, which is bailable in nature.



Learned Additional Public Prosecutor for the State has opposed the prayer for grant of pre-arrest bail to the petitioner. However, he admitted that in the FIR, the allegation of killing is specific against the husband of the deceased, namely, Bharat Mistry.

In view of the submissions made above, in the event of arrest or surrender before the court below within six weeks from today, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, 1<sup>st</sup> Gaya in Wazirganj P. S. Case No.243 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

**(Ashwani Kumar Singh, J)**

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