

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70582 of 2018

Arising Out of PS. Case No.-14 Year-2018 Thana- BALRAMPUR District- Katihar

Binay Kumar Mishra, S/o-Late Janardan Mishra, Resident of Village- Telta,
P.S.-Balrampur Telta, District-Katihar.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh

For the Opposite Party/s : Mr. Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 23-04-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Balrampur (Telta) P.S. Case no. 14 of 2018, registered
under Section 302 of the Indian Penal Code.

Learned counsel appearing on behalf of the
petitioner submits that it would appear from the F.I.R. that on
receiving information about murder of Pankaj Kumar Jha, who
used to reside at the house of the informant, informant came at
his house and found him dead sustaining fire arm injury.
Thereafter, the informant lodged Balrampur (Telta) P.S. Case
No. 14 of 2018 regarding the murder of his brother-in-law,
namely, Pankaj Kumar Jha against unknown. Later on, in
course of investigation, witness Abdul Khaliq gave his



statement before the Police to the effect that in respect of kidnapping of a girl, there was dispute in between informant and one Kabatullah. Thereafter, Kabatullah was apprehended by the Police and his confessional statement was recorded as detailed in paragraph-39 of the case diary in which he has stated about dispute in between his brother Safatullah and the informant of the present case due to interference of the informant in the matter in which Kabatullah kidnapped a girl and performed marriage due to that reasons, he asked to this petitioner, who has relation with the informant to suggest the manner for committing murder of the informant, but in that course, unfortunately, brother-in-law of the informant was killed, except that nothing has been collected by the I.O in course of investigation.

Learned Addl. Public Prosecutor for the State opposed the prayer for bail of the petitioner and submits that the name of the petitioner has come in the confessional statement of co-accused Kabatullah, but he has not disclosed about the participation of the petitioner in the murder of the deceased, brother-in-law of the informant.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the



event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Katihar in connection with Balrampur (Telta) P.S. Case No. 14 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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