

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9086 of 2023**

Arising Out of PS. Case No.-183 Year-2022 Thana- NAVINAGAR District- Aurangabad

ANKIT KUMAR @ ANKIT KUMAR SINGH @ ANKIT SINGH Son of
Pancham Singh R/V- Janakpur Pokhara, P.S- Nabinagar, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 16-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in a case registered for the offence punishable u/s 364 of the IPC (section 302 of the IPC has been added vide order dated 09.07.2022).

Allegedly, father of the informant has been killed by the petitioner and other accused persons.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. Petitioner is not named in the F.I.R. and during investigation, name of petitioner transpired in this case on the confessional statement of the co-accused Abhimanyu Singh, in which he stated that petitioner is also involved in the present case. It is further submitted that



similarly situated co-accused have been granted anticipatory bail vide order dated 07.04.2023 passed in Cr. Misc.64287 of 2022 with Cr. Misc. No.65202 of 2022. It is further submitted that there is no specific overt act against the petitioner and in the entire case diary, there is no ample evidence regarding the involvement of the petitioner in the present case. Petitioner has four criminal antecedent.

Learned APP for the State opposed the prayer for bail by submitting that two persons were murdered and petitioner is also involved in the present offence, which is clear from the confessional statement of the co-accused Abhimanyu Singh. It is further submitted that the process u/s 83 Cr.P.C. has been completed by the concerned Authority.

Having regard to the facts and circumstances of the case and materials available on record, it transpires that two murders were committed and petitioner is one of the accused, whose name has come in the confessional statement of the co-accused. It is evident that Abhimanyu Singh has been granted regular bail while the other co-accused persons have been granted anticipatory bail by the co-ordinate Benches of this Court without considering the case-diary, as such, this case stand on different footing. In this regard, the ratio laid down by the Apex



Court in the case of *Indresh Kumar vs. State of Uttar Pradesh in CrA 938 of 2022* may also be taken into consideration in which it has been observed that the statements made under section 161 Cr.P.C. are relevant in considering the prima facie case against an accused in an application for grant of bail in cases of grave offence. In this case, in the confessional statement of the co-accused, he has stated that it was this petitioner, who has arranged the medicines, which was used to mix in the drink of the deceased, who was later on killed by the other co-accused persons.

Under the aforesaid circumstances, considering the nature of offence, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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