

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19043 of 2023**

Arising Out of PS. Case No.-793 Year-2022 Thana- KHAGARIA District- Khagaria

- 
1. Narayan Poddar Son Of Late Tarani Poddar Village- Malgodam Road Ps- Khagaria Dist- Khagaria
  2. Tannu Devi @ Tanu Devi Wife Of Narayan Poddar Village- Malgodam Road Ps- Khagaria Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

---

**Appearance :**

For the Petitioner/s : Mr.Alok Anand

For the Opposite Party/s : Mr.Renu Kumari

---

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

4      21-07-2023                      Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 363, 365, 120(B), 304, 313 and 201 of the Indian Penal Code.

3. Petitioners are said to have abducted the wife of the informant under a conspiracy and kept her at unknown place.

4. Learned counsel for the petitioners submits that the petitioners are innocent and has been falsely implicated in this case. He submits that the name of the petitioner has been surfaced in this case on the confessional statement of co-accused. He submits that there is no eye witness in the present case. He submits that except the confessional statement of the



co-accused, nothing have been found against these petitioners during the investigation. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

5. Learned APP for the State opposing the prayer for bail submits that the petitioners were also involved in the present case. He also relied upon the judgment of the Apex Court in the case of **Indresh Kumar Vs. The State of UP & Anr. (Criminal Appeal No. 938 of 2022)**, whereby the Court has held that ‘Statements under Section 161 of Cr.P.C. may not be admissible in evidence, but are relevant in considering the prima facie case against an accused in an application for grant of bail in case of grave offence.

6. Considering the nature of offence, I am not inclined to enlarge the petitioners on bail. Accordingly, their prayer for anticipatory bail is rejected in connection with Khagaria (Chitragupta Nagar) P.S. Case No. 793 of 2022.

**(Anjani Kumar Sharan, J)**

devendra/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

