

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18328 of 2023

Arising Out of PS. Case No.-162 Year-2022 Thana- SARAI District- Vaishali

GAURI SHANKAR @ GAURI SHANKAR SINGH S/O- TAPESHWAR
SINGH Village- Bishanpura Ps- Mahua Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Adv.

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 302/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution story, in short, is that the informant and his brother Jitendra Kumar Sah were running a Grossery Shop at Ranipokhar Chowk. On 13.05.2022, when informant's brother did not return from the shop by 10:00 P.M., the informant went for search. On search, at about 11:30 P.M. near Sundar Nagar Pethiya, he found his brother lying therein after being shot. Thereafter, the informant's brother was taken to hospital, wherein he was declared dead.

It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that the name of the petitioner has been transpired in the present case merely on the basis of the confessional statement of apprehended co-accused, namely, Ritik Kumar Singh and Anshu Raj, but the said confessional statements have no evidential value. There is no cogent material against the petitioner. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioners is serious in nature, hence they do not deserve anticipatory bail. He relied upon the judgment of the Apex Court in the case of **Indresh Kumar v/s. The State of UP & Anr.** reported in **Criminal Appeal No. 938 of 2022** in which it is stated that the statements made 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 case of grave offence in an application for grant of bail.

Considering the facts and circumstances of case, I am not



inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

However, if petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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