

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21982 of 2023

Arising Out of PS. Case No.-149 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

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ALOK KUMAR Son of Sanjay Singh @ Sanjay Singh R/V- Bhathahi PS-
Jandaha Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Hajipur Sadar P.S. Case No.149/2022, registered for the offence
punishable u/s 394/302 of the IPC and 27 of Arms Act.

As per the prosecution case, some miscreants shot dead
the father of the informant in course of loot on NH 19.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He is
not named in the F.I.R. and has been falsely implicated in this
case. During investigation, some accused were apprehended and
they disclosed the name of petitioner. The allegation leveled
against the petitioner is not specific rather general and omnibus
in nature. He has one criminal antecedent.



Learned APP for the State opposed the prayer for bail by submitting that petitioner is a member of the syndicate, who used to loot people and in due course, he and other co-accused killed the father of the informant. It is submitted that the name of petitioner transpired in confessional statement of the co-accused and in view of the judgment of the Apex Court in the case of *Indresh Kumar vs. The State of U.P. & Anr. (Criminal Appeal No.938 of 2022)*, it is clear that statements u/s 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.

Having regard to the facts and circumstances of the case and considering the nature of allegation, 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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