

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.30153 of 2023

Arising Out of PS. Case No.-31 Year-2022 Thana- AKBARNAGAR District- Bhagalpur

Md. Guddu Khan @ Sartaj Khan Son Of Anjam Khan Resident Of Village-
English Chichroun, P.S.-Akbaragar, Distt-Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 14-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 363/365 of the Indian Penal Code and later on Sections 302, 201, 120B of the IPC was added.

3. Accusation is of committing murder of the son of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent, not named in the FIR and has been falsely implicated in this case. He submits that the name of the petitioner has surfaced in this case during the course of investigation on the confessional statement of co-accused. He submits that the similarly situated co-accused has already been granted bail by a co-ordinate Bench of this Court vide order dated 24.03.2023 passed in Cr. Misc. No. 73848 of 2022. He further submits that petitioner has 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 petitioner was 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 petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Akbarnagar P.S. Case No. 31 of 2022.

7. However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order.

devendra/-

(Anjani Kumar Sharan, J)

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