

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29454 of 2023

Arising Out of PS. Case No.-451 Year-2022 Thana- SULTANGANJ District- Bhagalpur

Tunna Mandal @ Tunna Singh @ Raj Kumar Singh @ Raj Kapur Singh Son
Of Navin Singh Resident Of Village- Manihari, P.S.- Bath, District -
Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Davendra Kumar Pandey
For the State	:	Mr. Manoj Kumar
For the Informant	:	Mr. Saroj Kumar Choudhary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-07-2023 Heard learned counsel for the petitioner, informant
and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 365, 365,
120B, 302, 34, 420 of the Indian Penal Code.

3. Petitioner is said to have committed 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 petitioner has
been made accused in this case on the basis of confessional
statement of co-accused. He submits that during course of
investigation, there is no cogent material has been found by the
I.O of the case against the petitioner. He further submits that



petitioner has no criminal antecedent as stated in para-3 of this application.

5. Learned APP for the State and learned counsel for the informant opposing the prayer for bail submit that petitioner is 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 facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Sultanganj P.S. Case No. 451 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.

(Anjani Kumar Sharan, J)

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