

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29759 of 2023

Arising Out of PS. Case No.-386 Year-2022 Thana- UCHKAGAON District- Gopalganj

RAJNI DEVI W/O RAMPUKAR MANJHI R/O Rajapur, P.S- Uchakagaon,
Distt.- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs. Poonam Kumari
For the Opposite Party/s : Mr. Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2.. The petitioner is apprehending her arrest in a case registered for the offences punishable under Section 302/34 of the Indian Penal Code pending in the learned court below.

3. The petitioner along with other co-accused is said to have committed the murder of Munni Devi.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that one, Rakesh Gupta was arrested by the police and he made a confessional statement before the Police in which he named the petitioner in his inculpatory statement. He submits that there is no specific overt act against the petitioner. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.



5. Per contra, learned APP for the State vehemently opposing the bail application submits that the co-accused, Rakesh Gupta confessed the name of the petitioner that she is also involved in committing the murder of the Munni Devi. Relying upon the judgment of the Hon'ble Apex Court passed in the case of ***"Indresh Kumar Vs. the State of U.P. & Anr. (Criminal Appeal No. 938 of 2022)"*** whereby the Court has held that "Statements under Section 161 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. Hence, she does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case and the nature of the offence, I am not inclined to enlarge the petitioner on bail in connection with Uchakagaon P.S. Case No. 386/2022. Accordingly, her prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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