

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37728 of 2023

Arising Out of PS. Case No.-50 Year-2022 Thana- ALAMNAGAR District- Madhepura

PAPPU MANDAL S/O PRASADI MANDAL R/O Village- Bari Khal
(Kunjauri) Fulaut Purvi, Ward No. 9/16, PS. Chausa (Fulaut O.P.), Dist.
Madhepura

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajnish Kumar Singh
For the Opposite Party/s : Mrs. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code and Section 27 of the Arms Act pending in the learned court below.

3. As per the prosecution case, petitioner along with other co-accused is said to have involved in the murder of the deceased, namely, Rikesh Kumar and destroyed the evidence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that on the basis of the confessional statement of the co-accused, namely, Saroj Kumar the petitioner has been made accused in the present case. He submits that there is love affair between the co-accused Lucy Kumari and the deceased Rikesh Kumar and due to this reason, his family members have been made accused in this case. He further submits that petitioner is neither the



family member of the nor any incriminating material has been found against the petitioner. He 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 and submits that the learned Court below has considered the case diary and passed reasoned order against the petitioner. 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)*” where the Court 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, he does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case and the order of the Apex Court passed in *Indresh Kumar* (supra) case, I am not inclined to enlarge the petitioner on bail in connection with Alamnagar P.S. Case No. 50/2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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