

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38525 of 2023

Arising Out of PS. Case No.-336 Year-2022 Thana- MASAUDHI District- Patna

Sonu Kumar Son Of Arabind Kumar Village- Ganga Chak Malikana Ps-
Masaurhi Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 30-11-2023 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 Sections 147, 149, 341, 323, 307, 504, 506 of the Indian Penal Code and later on Sections 302 of the IPC was added.

3. Petitioner along with other accused persons are said to have assaulted the brother 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 which has no evidentiary value in the eye of law. He further submits that petitioner has 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 Masaurhi P.S. Case No. 336 of 2022.

(Anjani Kumar Sharan, J)

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