

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38443 of 2023

Arising Out of PS. Case No.-286 Year-2021 Thana- SANGRAMPUR District- East
Champaran

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SAROJ KUMAR Son of Sikendar Prasad Yadav Resident of village -
Chitariya, P.S.- Kotwa, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Umesh Chandra Verma, Sr. Adv. Mr.Abhishek Kumar, Adv.
For the Opposite Party/s :		Mr.Surendra Kumar, APP
For the Informant	:	Mr.Diwakar Prasad Singh, Adv. Mr.Kundan Rathore, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-08-2023 Heard learned counsel for the parties.

2. Petitioner apprehends his arrest in connection with
Sangrampur P.S. Case No.286/2021, registered for the offence
punishable u/s 302, 201 of the IPC.

3. The F.I.R. has been lodged on the basis of recovery of an
unidentified dead body which was lying below the road and the
same was later on identified as the son of the informant.

4. It is submitted by learned Senior Counsel for the
petitioner that petitioner is quite innocent and has committed no
offence. He is not named in the F.I.R. and has been falsely
implicated in this case. During investigation, one co-accused
Rishu Kumar was apprehended by the police and he in his



confessional statement at para-79 has stated the involvement of this petitioner in the alleged murder with a view to grab Rs.4,00,000/- which was taken by the accused persons as loan from the deceased. It is submitted that in the case diary, no witness has supported the prosecution case. Petitioner has no criminal antecedent.

5. Learned APP for the State and learned counsel for the informant opposed the prayer for bail by submitting that the confessional statement of the co-accused is sufficient to show the involvement of the petitioner. He has placed reliance on the Apex Court judgment in the case of **Indresh Kumar v/s The State of UP & Anr. (Criminal Appeal no.938 of 2022)**, whereby the Apex 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. Having regard to the facts and circumstances of the case and considering the nature of allegation as also the case of **Indresh (supra)**, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is accordingly dismissed.



8. However, petitioner is at liberty to surrender before the learned court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law, considering that petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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