

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39297 of 2023

Arising Out of PS. Case No.-379 Year-2022 Thana- MADHUBAN District- East Champaran

Brahmdeo Sahani S/O Sakal Sahani R/O Village- Hardiya Tola, Kans Pakari,
Po. And Ps. Madhuban Dist.East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Madhuban P.S. Case No. 379 of 2022 registered for the offences punishable under Sections 302/34 of the Indian Penal Code pending in the Court of learned Chief Judicial Magistrate, Motihari, East Champaran.

3. As per the prosecution case, allegation against the petitioner that he along with other accused persons has committed murder of the husband of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that



the petitioner has been falsely implicated in this case. He further submits that the name of the petitioner transpired on the confessional statement of the co-accused Ankesh Kumar @ Ankit Kumar before the police. The petitioner has no criminal antecedent as mentioned in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for anticipatory bail and submits that the petitioner is also involved in the present case. He also relied upon the judgment of the Hon'ble 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 the 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 case and the judgment of *Indresh Kumar* (supra), I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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