

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39478 of 2023

Arising Out of PS. Case No.-60 Year-2023 Thana- RIGA District- Sitamarhi

PRINCE KUMAR @ PRINCE YADAV Son of Mohan Kumar Resident of
village - Simiyahi, P.S. - Sursand, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar
For the Opposite Party/s : Mr. Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-08-2023 Heard the parties.

2. The petitioner apprehends his arrest in connection with Riga P.S. Case No.60 of 2023, registered for the offence punishable under Section 302, 201, 120B of the Indian Penal Code.

3. The allegation against the petitioner is that he along with other co-accused persons killed a lady and threw his dead body in a field.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner is a student and there is no specific



allegation against him. He submits that the petitioner is not named in the FIR, his name transpired in the present case on the basis of confessional statement of apprehended co-accused namely, Avinash Kumar. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail. He submits that the petitioner and other co-accused persons used to go to the house of the deceased and torture her. At para-55 of the case diary, the priest of a temple has named the petitioner and others who were seen with the deceased. He further submits that there is a CCTV camera installed in the said temple and in the CCTV footage the petitioner and other co-accused persons have been identified. He further submits that the name of the petitioner has transpired in the present case on the basis of confessional statement of co-accused Avinash Kumar. In this regard the ratio laid down by the Apex Court in the case of **Indresh Kumar vs. State of Uttar Pradesh in Cr. APP. No.938 of 2022** may also be taken into consideration in which it has been observed that the statements made under Section 161 of Cr.PC. are relevant in considering the *prima facie* case against an accused in an application for grant of bail in cases of grave offence.

6. Having regard to the facts and circumstances of the case,



I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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