

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40790 of 2023

Arising Out of PS. Case No.-99 Year-2021 Thana- BISHUNPUR District- Darbhanga

1. Nandan Yadav Son Of Naresh Yadav Resident Of Village- Godhiyari Mustafapur, Ps- Bishanpur, District- Darbhanga
2. Rahul Yadav Son Of Rampukar Yadav @ Pukar Yadav Resident Of Village- Mustafapur, Ps- Bishanpur, District- Darbhanga
3. Deepak Yadav Son Of Ram Babu Yadav Resident Of Village- Gorihiari, Ps- Bishanpur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 05-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Learned counsel for the petitioners filed a
supplementary affidavit in Court.

3. Let it be kept on record.

4. The petitioners apprehend their arrest in connection
with Bishunpur 99 of 2021 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

5. One Chhotu is said to have taken away the
informant's son on his motorcycle and shot at his son on his
chest. The injured was, thereafter, taken to DMCH where doctor



declared him brought dead. Petitioners' name transpired in this case on the confessional statement of the said Chhotu.

6. It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have no criminal antecedent.

7. *Per contra*, learned APP appearing for the State vehemently opposing the prayer for bail submitted that postmortem report shows that multiple injuries are found on the person of the deceased. He relied upon the judgment of the Hon'ble Apex Court in the case of Indresh Kumar Vs. The State of U.P. and Anr (Criminal Appeal No.938 of 2022) wherein it has been held that the statements under Sections 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.

8. Considering the facts and circumstances of case, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected. However, if the petitioners surrender before the learned Court below within six



weeks from today and seek regular bail the learned Court below
would pass order on the same day in accordance with law
without being prejudiced by this order.

(Anjani Kumar Sharan, J)

Trivedi/-

U		T	
---	--	---	--

