

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42048 of 2023

Arising Out of PS. Case No.-210 Year-2023 Thana- BETTIAH CITY District- West
Champaran

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FAIYAZ HUSSAIN @ PINKU S/O LATE IZHAR HUSSAIN R/O
MOHALLA- KALIBAGH, PS.BETTIAH TOWN (KALIBAGH O.P.), DIST.
WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Singh, Sr. Adv Mr. Bimlesh Kumar Pandey, Adv
For the Opposite Party/s :		Mr. Dr. Ajeet Kumar, APP
For the Informant	:	Mr. Shivjee Singh, Adv Mr. Mukesh Kumar, Adv

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-08-2023 Heard learned senior counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner apprehend his arrest in connection with
Bettiah Town (Kalibagh O.P.) P.S. Case No.210 of 2023,
registered for the offence punishable under Section 302 and
other allied Sections of the Indian Penal Code and 27 of Arms
Act.

3. The allegation against the petitioner is that he, in
conspiracy with other co-accused persons killed the son of the
informant.

4. It is submitted by learned senior 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. 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 co-accused Chandan Singh, who was arrested by the police during the course of investigation. Petitioner has two criminal antecedents, as also mentioned in para-3 of the bail application.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail. He further submits that the name of the petitioner has transpired in the present case on the basis of confessional statement of co-accused Chandan Singh. 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



as well as considering the judgment of the Hon’ble Apex Court,
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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