

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48772 of 2023**

Arising Out of PS. Case No.-352 Year-2022 Thana- BHAGWAN BAZAR District- Saran

RITIK KUMAR S/O RANJAN PRASAD YADAV R/O MOHALLA-  
NAYEE BAZAR, HOSPITAL CHOWK PS. BHAGWAN BAZAR, DIST.  
SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                |
|--------------------------|---|--------------------------------|
| For the Petitioner/s     | : | Mr.Chandra Mohan Jha, Adv.     |
| For the Opposite Party/s | : | Mr.Shailendra Kumar Singh, APP |
| For the Informant        | : | Mr.Ravi Prakash, Adv.          |
|                          |   | Mr.Gagan Deo Yadav, Adv.       |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      12-09-2023              Heard learned counsel for the petitioner, learned counsel  
for the informant and learned APP for the State.

2.      Petitioner apprehends his arrest in connection with  
Bhagwan Bazar P.S. Case No.352 of 2022, registered for the  
offence punishable u/s 302, 120B, 34 of the IPC and section 27  
of the Arms Act.

3.      As per the prosecution case, all the accused person under  
a conspiracy took away the brother of the informant and killed  
him by firing a bullet on his chest.

4.      It is submitted by learned 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 namely Krishna Rai was apprehended, who disclosed the name of petitioner that he is involved in the alleged occurrence but the petitioner has merely been implicated in this case as he has inimical terms with Krishna Rai. Two of the eye-witness have not taken the name of petitioner. Petitioner is a student of Engineering and at the time of occurrence, he was in his college, which has been mentioned in para-12 of the bail petition. There is no specific allegation against the petitioner. He has one criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that petitioner's name has transpired in this case on the confessional statement of the co-accused Krishna Rai and as per the judgment of the Apex Court in the case of ***Indresh Kumar v/s The State of UP & Anr. (Criminal Appeal no.938 of 2022)*** "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, 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 disposed of.

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 there is no specific overt act upon him.

**(Anjani Kumar Sharan, J)**

pallavi/-

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