

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55074 of 2023

Arising Out of PS. Case No.-435 Year-2022 Thana- KESARIA District- East Champaran

CHANDAN YADAV @ CHANDAN RAI SON OF KAILASH RAI
RESIDENT OF VILLAGE - CHAND PARSA BHAGWATIYA TOLA,
,GOPALPPPPUR, POLICE STATION - KESARIYA, DISTRICT - EAST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar No.1, Adv.

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 14-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner apprehends his arrest in connection with
Kesariya P.S. Case No.435/2022, registered for the offence
punishable u/s 302/34 of the IPC.

3. Allegedly, son of the informant is said to have been
stabbed to death by unknown miscreants.

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. Name of petitioner transpired in this case on the
confessional statement of one co-accused Rajan Sharma. Apart
from that there is no specific allegation against the petitioner
and there is no eye-witness to the alleged occurrence. Petitioner



has no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that the name of petitioner transpired on the basis of confessional statement of the co-accused and the Apex Court judgment passed in the case of *Indresh Kumar v/s The State of UP & Anr. (Criminal Appeal no.938 of 2022)* has held that “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 dismissed.

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.

(Anjani Kumar Sharan, J)

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