

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67362 of 2023

Arising Out of PS. Case No.-193 Year-2023 Thana- ARARIA District- Araria

MARGUB @ MD. MARGUB ALAM @ MD. MARGUB SON OF LATE
JUBAIR RESIDENT OF VILLAGE - KAKURWA BASANTPUR, WARD
NO.22 @ KAKUDVA VASTI, P.S. - ARARIA, DISTRICT - ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Munish Om Prakash Singh, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-11-2023 Heard Mr. Munish Om Prakash Singh, learned counsel for the
petitioner and Mr. Dilip Kumar No.1, learned APP for the State.

2. Petitioner is apprehending his arrest in connection with
Araria P.S. Case No.193/2023, registered for the offence
punishable u/s 302, 201/34 of the IPC.

3. Allegedly, the brother of the informant is said to have been
murdered by one Sonu and his associates including the petitioner.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence. He
has been falsely implicated in this case due to ulterior motive. No
such occurrence in the manner as alleged has ever taken place.
Name of petitioner has transpired in this case only on the basis of
confessional statement of the co-accused Sonu. There is no



specific allegation against the petitioner. Specific allegation of assault with knife is against the co-accused Sonu and Tabark. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that there is allegation against the petitioner that he was involved in the murder of the informant's brother. His name has been taken in the confessional statement of the co-accused and in view of the judgment of the Apex Court in the case of ***Indresh Kumar v/s The State of UP & Anr. In Criminal Appeal no.938 of 2022***, statements made under section 161 Cr.P.C. are relevant in considering the prima facie case against an accused in an application for grant of bail in the case of grave offence.

6. Considering the aforesaid facts and circumstances and the grave nature of offence, 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.

(Anjani Kumar Sharan, J)

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