

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67849 of 2023

Arising Out of PS. Case No.-72 Year-2020 Thana- KAJRAILI District- Bhagalpur

Fantus Yadav S/O Girdhari Yadav R/O Village- Gaur Chowki, P.S- Kajraili,
Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bidhanesh Misra
For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 302, 201 of the Indian Penal Code.

3. As per FIR, a dead body of unknown female was found near bank of Barki river. It is alleged that the murder appears to have been committed somewhere else and dead body was concealed here.

4. Learned counsel for the petitioner submits that the petitioner is innocent, not named in the FIR and has been falsely implicated in this case. He submits that the petitioner has been made accused in this case on the basis of confessional statement of one Shambhu Sharma who is alleged to be husband of the deceased. He further submits that petitioner has criminal



antecedent as stated in para-3 of this application.

5. Learned APP for the State opposing the prayer for bail submits that one Shambhu Sharma, who is husband of the deceased, hired the petitioner and paid Rs. 1,00,000/- to him to eliminate his wife. He further submits that the petitioner was also involved in the present case. He also relied upon the judgment of the Apex Court in the case of **Indresh Kumar Vs. The State of UP & Anr. (Criminal Appeal No. 938 of 2022)**, whereby the Court 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. Considering the nature of offence, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Kajraili P.S. Case No. 72 of 2020.

(Anjani Kumar Sharan, J)

devendra/-

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

