

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78669 of 2023**

Arising Out of PS. Case No.-261 Year-2023 Thana- CHHAURADANO District- East
Champaran

Abhijit Kumar @ Abhijeet Kumar Son Of Lalbabu Prasad Resident Of
Gulariya, Post - Darpa, P.S. - Darpa, District - East Champaran, Bihar -
845302

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Shahnawaz Ali

For the Opposite Party/s : Mr.Prem Kumar Jha

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

2 11-12-2023 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 307, 302
and 120(B) of the Indian Penal Code and Section 27 of the Arms
Act.

3. Petitioner is said to have committed murder of the
son of the informant.

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 co-accused Guddu Sah who is also not named in



the FIR. He submits that no incriminating article has been recovered either from conscious and exclusive possession of the petitioner and the house of the petitioner. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State opposing the prayer for bail submits that the mobile tower location of the petitioner was found at the place of occurrence. He submits that the co-accused Guddu Sah has confessed that he met with the petitioner in Nepal and petitioner demanded Rs. 5,00,000/- for committing murder of Rohit kumar, thereafter, accused Sugand Kumar gave Rs. 2,00,000/- as advance and he stated that rest amount shall be paid after murder of Rohit Kumar. 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
Chhauradano (Mauawa) P.S. Case No. 261 of 2023.

(Anjani Kumar Sharan, J)

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