

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.640 of 2023

Arising Out of PS. Case No.-392 Year-2019 Thana- FALKA District- Katihar

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1. PRAKASH RAI Son of Late Jagarnath Rai R/o- Chhohar, P.S.- Falka, Dist- Katihar
 2. BILLU DEVI @ BULBUL DEVI Wife of Prakash Rai R/o- Chhohar, P.S.- Falka, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 20-06-2023 Heard the parties.

Learned counsel for the petitioners seek permission to withdraw this application as against the petitioner no.2, as she has been arrested by the police during the pendency of the bail application.

Permission is granted.

Accordingly, this application is dismissed as withdrawn as against petitioner no.2.

Now, this application is being heard with regard to the petitioner no.1 only.

The petitioner apprehends his arrest in connection with Falka (Pothia) P.S. Case No.392 of 2019, registered for the



offence punishable under Section 302, 201, 323, 324, 379 of the Indian Penal Code.

The allegation against the petitioner is that he killed the wife of the informant under a conspiracy with co-accused Rajesh Mandal.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the petitioner's name transpired in the present case on the basis of confessional statement of co-accused. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail. He further submits that the name of the petitioner has transpired in the present case on the basis of confessional statement of co-accused. In this regard the ratio laid down by the Apex Court in the case of **Indresh Kumar vs. State of Uttar Pradesh in Cr. APP. No.938 of 2022** may also be taken into consideration in which it has been observed that the statements made under Section 161 of Cr.PC. are relevant in considering the *prima facie* case against an accused in an



application for grant of bail in cases of grave offence.

Having regard to the facts and circumstances of the case,
I am not inclined to enlarge the petitioner no.1 on bail. The
prayer for grant of anticipatory bail on his behalf is hereby
rejected.

Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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