

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78685 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- RAJPUR District- Buxar

Akhilesh Choudhary @ Pravin Raj @ Praveen Raj Son Of Dudh Nath
Choudhary Resident Of Village - Natwabal, P.S. - Piro, District - Bhojpur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navin Kumar Singh, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 120(B), 302 and 201 of the Indian Penal Code pending in the learned court below.

3. As per the prosecution case, a body has been thrown after killing her at some place by unknown persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that there is general and omnibus allegation against the petitioner. He submits that petitioner is not named in the FIR on the confessional statement of the co-accused Satendra Choudhary, the name of the petitioner transpired in this case. He further submits that there is no



material to show that the petitioner has any role in the murder of the deceased. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submits that the process under Section 82 Cr.P.C. has been issued against the petitioner. Relying upon the judgment of the Hon'ble Apex Court passed in the case of "*Indresh Kumar Vs. The State of U.P. & Anr. (Criminal Appeal No. 938 of 2022)*" whereby the Court held that "Statements under Section 161 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." Hence, he does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Rajpur P.S. Case No. 71 of 2023. Accordingly, his prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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