

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22495 of 2024**

Arising Out of PS. Case No.-52 Year-2022 Thana- TANDWA District- Aurangabad

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1. Abhay Kumar @ Abhay Ram S/O Sudarshan Ram R/O Village- Mahuari, P.S- Tandwa, Distt.- Aurangabad.
  2. Deepak Kumar S/O Satyendra Ram R/O Village- Mahuari, P.S- Tandwa, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anirudh Kumar Verma  
For the Opposite Party/s : Mr. Shailendra Kumar

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

3      18-09-2024                      Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Section, 302 and 201/34 of the Indian Penal Code.

3. FIR is against unknown for commission of murder of the son of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent, not named in the FIR and have been falsely implicated in this case due to local village politics. He submits that the petitioners have been made accused in this case on the basis of confessional statement of co-accused namely, Samarjeet Kumar. He submits that there is no specific overt act



against the petitioners. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

5. Learned APP for the State opposing the prayer for bail submits that the petitioners were 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 petitioners on bail. Accordingly, their prayer for anticipatory bail is rejected in connection with Tandwa P.S. Case No. 52 of 2022.

**(Anjani Kumar Sharan, J)**

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