

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20672 of 2024

Arising Out of PS. Case No.-448 Year-2023 Thana- MALSALAMI District- Patna

Rajesh Kumar @ Rajesh Rai Son of Deo nandi Rai R/o Mohalla- Patelghat,
Adrelch Ghat, Police Station- Malsalami, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 20751 of 2024

Arising Out of PS. Case No.-448 Year-2023 Thana- MALSALAMI District- Patna

Ranjeet @ Bouua @ Ranjeet Kumar Son of Deo Nandi Rai Resident of
Mohalla- Patelghat, Adrelch Ghat, Police Station- Malsalami, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 21151 of 2024

Arising Out of PS. Case No.-448 Year-2023 Thana- MALSALAMI District- Patna

Manish Kumar Son of Deo Nandi Rai Resident of Mohalla- Patelghat,
Adrelch Ghat, Police Station- Malsalami, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 20672 of 2024)
For the Petitioner/s : Mr.Raj Krishna Jha
For the Opposite Party/s : Mr.Sanjay Kumar Singh
(In CRIMINAL MISCELLANEOUS No. 20751 of 2024)
For the Petitioner/s : Mr.Raj Krishna Jha
For the Opposite Party/s : Mr.Sanjay Kumar Singh
(In CRIMINAL MISCELLANEOUS No. 21151 of 2024)
For the Petitioner/s : Mr.Raj Krishna Jha



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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 19-07-2024 As all these bail applications have cropped up from the same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.

2. Heard learned counsel for the parties.

3. The petitioners apprehend their arrest in connection with Malsalami P.S. Case No.448 of 2023, registered for the offence punishable under Section 302 of the Indian Penal Code and Section 27 of Arms Act.

4. As per the FIR, the informant along with other officials went to the place of occurrence and saw dead body of a boy aged about 24 years lying there. One person was apprehended during the course of investigation and he disclosed that the petitioners and other accused persons are involved in the murder of the deceased.

5. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather



general and omnibus in nature. The name of the petitioners transpired in the present case on the basis of confessional statement of apprehended co-accused. He further submits that there is no material against the petitioners in the case diary nor there is any eye witness to the alleged occurrence. Petitioners have no criminal antecedent, which is also mentioned in the para-3 of the bail applications.

6. Learned APP for the State opposed the prayer for anticipatory bail and submits that the bail application of the similarly situated co-accused has been rejected by this Court on 19.01.2024 passed in Cr. Misc. No.57655 of 2023. he further submits that the name of the petitioners 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.

7. Having regard to the facts and circumstances of the case as well as considering the nature of offence, I am not inclined to



enlarge the petitioners on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

8. Accordingly, these applications are dismissed.

(Anjani Kumar Sharan, J)

shikha/-

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

