

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28869 of 2024**

Arising Out of PS. Case No.-3 Year-2022 Thana- LAKHISARAI District- Lakhisarai

Sonal Kumar Son of Late Pappu Singh Resident of Village and P.O.-
Babhangaon, P.S.- Amhara O.P., District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan

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

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

4 13-09-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in connection with Lakhisarai P.S. Case No.03 of 2022, registered for the offence punishable under Section 302, 120B, 34 of the Indian Penal Code and 27 of Arms Act.

3. Allegedly, the petitioner is said to have been involved in the murder of the son of the informant and one Bihari Singh.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has 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 is not named



in the FIR, his name transpired in the present case on the basis of confessional statement of apprehended co-accused one apprehended co-accused. He further submitted that similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court vide order dated 16.01.2023 passed in Cr. Misc. No.42456 of 2022. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail. He further submitted that this is a case of double murder and the petitioner is one of the associate of the main assailant and the name of the petitioner has transpired in the present case on the basis of confessional statement of co-accused person. 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.

6. 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 petitioner on bail. The prayer for grant of



anticipatory bail on his behalf is hereby rejected.

7. Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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