

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29009 of 2024

Arising Out of PS. Case No.-209 Year-2021 Thana- BAIRIYA District- West Champaran

Chandan Kumar @ Chandan Yadav son of Gopal Yadav @ Gopal Jee Yadav
@ Gopal je Yadav R/o- Sant Ghat W.No-14, Ps- Bettiah Town Dist- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-07-2024 Heard both sides.

2. Petitioner is apprehending his arrest in connection with
Bairiya P.S. Case No.209 of 2021, registered for the offence
punishable u/s 302 of the IPC.

3. Allegedly, some unknown persons are said to have killed
the son of the informant by stabbing with sharp edged weapon.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence.
He is not named in the F.I.R. and has been falsely implicated in
this case due to ulterior motive. His name transpired in this case
on the confessional statement of the co-accused Mangal Yadav,
who was apprehended by the police during investigation. There
is no specific allegation against the petitioner and there is no
eye-witness to the alleged occurrence. Petitioner has two



criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that the co-accused has confessed the name of petitioner and relies upon Apex Court order passed in the case of *Indresh Kumar v/s The State of UP & Anr. In Criminal Appeal no.938 of 2022*, wherein it has been held that statements made under section 161 Cr.P.C. are relevant in considering the prima facie case against an accused in an application for grant of bail in the case of grave offence.

6. Considering the aforesaid facts and circumstances and the nature of allegation, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is accordingly dismissed.

8. However, petitioner is at liberty to surrender before the learned Court below within a period of six weeks and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law, considering that petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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