

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52032 of 2023

Arising Out of PS. Case No.-74 Year-2022 Thana- NAGARNAUSA District- Nalanda

1. Amarjeet Paswan @ Amarjeet Kumar S/O Shri Dinesh Paswan R/O Village-Daldalichak (CHAKMUNNI), Post Office- Daldalichak (CHAKMUNNI), Post Office- Daha Bigha, P.S- Nagarnausa, Distt.- Nalanda, Pin Code No.801305 (BIHAR).
2. Akash Paswan @ Akash Kumar S/O Shri Naresh Paswan R/O Village-Daldalichak (CHAKMUNNI), Post Office- Daldalichak (CHAKMUNNI), Post Office- Daha Bigha, P.S- Nagarnausa, Distt.- Nalanda, Pin Code No.801305 (BIHAR).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Prakash Kumar, Adv
For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 10-01-2024 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, 201/34 of the Indian Penal Code.

3. Accusation is of committing murder of the son of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Learned counsel for the petitioners further submits that petitioners are made accused in the present case on the



confessional statement of co-accused Munchun Kumar. He further submits that there is no specific overt act has been attributed against the petitioners. The allegation is against Raju Thakur and Basant Thakur. Save and except only confessional statement, nothing has come against the petitioners. The petitioners have got no criminal antecedent.

5. Learned APP for the State opposing the prayer for bail and submits that petitioners were 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 Nagarnausa P.S.Case No. 74 of 2022.

7. However, if the petitioners surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the



learned court below on the same day without being prejudiced
by this order.

(Anjani Kumar Sharan, J)

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