

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60661 of 2023

Arising Out of PS. Case No.-98 Year-2023 Thana- BAISI District- Purnia

MD. NAIYER @ MD. NAIYER ALAM Son of Altaf @ Md. Altaf Hussain
R/o vill - Meenapur, P.S. - Baisi, Distt. - Purnia

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv Mr. Dr. Bidhu Ranjan, Adv Mr. Kumar Rajdeep, Adv Mr. Arvind Kumar, Adv
For the Opposite Party/s	:	Mr. Dilip Kumar No. 1, APP
For the Informant	:	Mr. Jitendra Kumar Giri, Adv

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-03-2024 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in connection with Baisi P.S. Case No.98 of 2023, registered for the offence punishable under Sections 302, 201, 365, 34 of the Indian Penal Code.

3. The allegation against the petitioner is that he, along with other co-accused persons killed the husband of the informant.

4. It is submitted by learned Senior Counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to suspicion. No such occurrence, in the manner as alleged, has ever taken place. There is no specific allegation against the petitioner. Petitioner is not named in the FIR, during the course of



investigation, on co-accused was apprehended and he disclosed the name of the petitioner. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail. Learned counsel for the informant submits that the name of the petitioner transpired in the present case on the basis of confessional statement of co-accused and 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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