

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68187 of 2023**

Arising Out of PS. Case No.-75 Year-2023 Thana- HABIBPUR District- Bhagalpur

KUNAL SINGH @ KUNAL KUMAR SINGH SON OF SRI MITHILESH-
WAR PRASAD SINGH R/O THAKUR PRASAD LANE, KATGHR, ALI-
GANJ, MUSAIADPUR, PS- BABARGANJ, DIST- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshuman Singh
For the Opposite Party/s: Mr. Dinesh Singh
For the Informant : Mrs. Geeta Kumari Jha

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

3 25-01-2024 Heard the parties.

2. The petitioner apprehends his arrest in connection with Habibpur P.S. Case No.75 of 2023, registered for the offence punishable under Section 302, 120B, 34 of the Indian Penal Code and Section 27 of Arms Act.

3. Allegedly, the petitioner is said to have been involved in the murder of the informant's brother.

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 informant himself is a man



of criminal antecedent and he is a drug addict. He further submits that the sister-in-law of the informant i.e. the wife of the deceased has stated that the informant is a mentally ill person, which is also apparent from Annexure-2 of the bail application. He submits that the name of the petitioner transpired in the present case on the basis of confessional statement of apprehended co-accused. 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. He submits that the the post-mortem report of the deceased has supported the prosecution case. He further submits that the name of the petitioner has 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.

6. Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby re-



jected.

7. Accordingly, this application is dismissed.

8. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below shall pass the order on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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