

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66744 of 2023

Arising Out of PS. Case No.-20 Year-2020 Thana- BHADAUR District- Patna

MANZOOR ALAM @ MD. MANZOOR ALAM SON OF LATE ABDUL
WAKIL RESIDENT OF VILLAGE- BHELAKHI, PS- MAHESHI, DISTT-
SAHARSA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur
		Mrs. Vaishnavi Singh
For the Opposite Party/s:		Mr. Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-01-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner apprehends his arrest in connection with
Bhadaur P.S. Case No.20 of 2020, registered for the offence
punishable under Section 302, 201, 120B/34 of the Indian Penal
Code.

3. Allegedly, the petitioner is said to be involved in the
murder of one Murtaza @ Daharu.

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 lev-
elled against the petitioner is not specific rather general and om-



nibus in nature. It is submitted that there is no material evidence against the petitioner in the entire case diary. The petitioner was not present on the place of occurrence. 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 persons. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail. He submits that the petitioner was the last person to have talk with the deceased over mobile phone. He further submits that the name of the petitioner has transpired in the present case on the basis of confessional statement of two co-accused persons. 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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