

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69694 of 2023

Arising Out of PS. Case No.-123 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

ROHIT KUMAR SHARMA @ ROHIT SHARMA SON OF BABULAL
SHARMA RESIDENT OF VILLAGE - BAIRAUNA, POLICE STATION -
BHORE, DISTRICT - GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-01-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. Petitioner is apprehending his arrest in connection with
Siwan (M) Mahadewa O.P. P.S. Case No.123 of 2023, registered
for the offence punishable u/s 302, 201/34 of the IPC.

3. Allegedly, the sister-in-law of the informant was killed by
some unknown.

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. During investigation, one
person namely Vishal Singh was apprehended by the police and
he confessed that the petitioner is an accomplice in the alleged



offence. There is no eye-witness to the alleged occurrence nor any incriminating article has been recovered from his conscious physical possession. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that the nature of offence is grave and the Apex Court has held in the case of *Indresh Kumar v/s The State of UP & Anr. In Criminal Appeal no.938 of 2022*, 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.

(Anjani Kumar Sharan, J)

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