

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76519 of 2024

Arising Out of PS. Case No.-99 Year-2024 Thana- PANDARAK District- Patna

=====

Diaspi Kumar @ DSP @ DSP Kumar son of Tula Singh Resident of Village
-Hajipur Dumri PS -Fatuha, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Choubey Jawahar, APP

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-11-2024 Heard learned counsel for the parties.

2. Petitioner is apprehending his arrest in connection with Pandarak P.S. Case No.99 of 2024, registered for the offence punishable u/s 302/34 of the IPC and section 27 of Arms Act.

3. As per the prosecution case, three unknown persons boarding on a motorcycle came and made firing upon the wife of the informant, as a result of which, she died on the spot.

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. Name of petitioner transpired in this case on the confessional statement of co-accused namely Radhe Kumar as well as Rekha Devi but no material has come against the petitioner. No incriminating article has been recovered from the conscious physical possession of the



petitioner. Further, petitioner has two criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that the name of the petitioner has transpired in this case on the confessional statement of the co-accused and in view of Apex Court order passed in the case of *Indresh Kumar v/s The State of UP & Anr. In Criminal Appeal no.938 of 2022*, 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.

8. However, petitioner is at liberty to surrender before the learned Court below within a period of six weeks and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

