

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77093 of 2024

Arising Out of PS. Case No.-1571 Year-2023 Thana- DANAPUR District- Patna

Krishna Kumar Deepak Son of Uma Shankar Sharma Village- Saguni Rewan
PS -Masaurhi Dist -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Advocate

For the Opposite Party/s : Ms Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-11-2024 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner apprehends his arrest in connection with
Danapur P.S. Case No. 1571 of 2023, registered for the offences
punishable u/s 302/ 120(B)/ 34 of IPC and 25(1-B)a, 26/ 27/ 35 of
Arms Act.

3. As per prosecution case, two persons started firing in the
parking area of a court campus. Both co-accused apprehended on
the spot and two pistols and 8 live cartridge were recovered from
their possession. Injured Kadi died during the treatment.

4. It is submitted by learned counsel for the petitioner that the
petitioner is quite innocent and has committed no offence. He has
been falsely implicated in this case. No incriminating article was
recovered from the conscious physical possession of the petitioner.
He is not named in the FIR. He has been made accused on the
basis of confessional statements of the co-accused person Nitish



Kumar. As per confessional statement of co-accused Nitish Kumar, petitioner is involved in delivery of fire arms. It is further submitted that name of the petitioner was disclosed after 12 days. Petitioner has no criminal antecedent as mentioned in para 3 of the bail application.

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 has relied upon the judgment of the Apex Court passed in the case of *Indresh Kumar v/s The State of UP & Anr.* wherein it is stated that the statements made under Section 161 Cr.P.C. may not be admissible in evidence, but are relevant in considering the prima facie case against an accused in an application for grant of bail in case of grave offence.

6. Considering the aforesaid facts and circumstances and the confessional statement of co-accused, 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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