

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83125 of 2023

Arising Out of PS. Case No.-435 Year-2022 Thana- KESARIA District- East Champaran

ASHISH SINGH @ ASHISH KUMAR S/O PRAMOD SINGH R/O
VILLAGE- CHAND PARSA, P.S- KESARIYA, DISTT.- EAST
CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, Adv.

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-01-2024 Heard learned counsel for the parties.

2. Petitioner is apprehending his arrest in connection with Kesariya P.S. Case No.435 of 2022, registered for the offence punishable u/s 302, 34 of the IPC.

3. Allegedly, the son of the informant has been stabbed to death by unknown miscreants.

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. His name transpired in this case on the confessional statement of a co-accused namely Rajan Sharma, who was apprehended by the police in course of investigation. There is no eye-witness to the alleged occurrence. Petitioner has no criminal antecedent.



5. Learned APP for the State opposed the prayer for bail by submitting that it is a case of murder and the name of petitioner has transpired on the basis of confessional statement of the co-accused and keeping in view the judgment of the Apex Court in the case of *Indresh Kumar v/s The State of UP & Anr. In Criminal Appeal no.938 of 2022*, it clearly applies in the present case 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, the nature of allegation and the judgment of the Apex Court in the case of *Indresh (supra)*, 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)

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