

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5701 of 2024

Arising Out of PS. Case No.-116 Year-2023 Thana- SHASTRINAGAR District- Patna

Sumit Kumar SON OF Sunil Kumar RESIDENT OF House No. 5, Road No. 13, Indrapuri, Post- Kesri nagar, PS- Patliputra, DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Vardhan Narayan

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-02-2024 Heard the parties.

2. The petitioner apprehends his arrest in connection with Shastri Nagar P.S. Case No.116 of 2023, registered for the offence punishable under Section 302, 34 of the Indian Penal Code and Section 27 of Arms Act.

3. Allegedly, the petitioner along with other co-accused persons is said to have shot the grandson of the informant due to which he died.

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 levelled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the



petitioner. The petitioner is only a member of mob. 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. Petitioner has one criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail. He further submits that the name of the petitioner has transpired in the present case on the basis of confessional statement of co-accused. 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, 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.

8. However, if the petitioner surrenders before the learned Court below, within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on



the same day in accordance with law considering that the petitioner has no criminal antecedent and there is no specific allegation against him.

(Anjani Kumar Sharan, J)

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