

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1323 of 2024

Arising Out of PS. Case No.-259 Year-2022 Thana- GORAUL District- Vaishali

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Anand Kumar Son of Subodh Kumar Singh Vill-Byaschak PS-Goraul Dist-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-03-2024 Heard Mr. Deepak Kumar, learned counsel for the petitioner
as well as Mr. Dilip Kumar No.1, learned APP for the State.

2. The petitioner apprehend his arrest in connection with
Goraul P.S. Case No.259 of 2022, registered for the offence
punishable under Section 302, 120B, 506, 34 of the Indian Penal
Code and 27 of Arms Act.

3. Allegedly, the petitioner is said to have been involved in the
murder of the son of informant.

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. 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 namely, Prabhat Kumar. He



further submits that the mother of the deceased was also present at the spot but she has not disclosed the name of the petitioner. Petitioner has no 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.

(Anjani Kumar Sharan, J)

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