

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4286 of 2023

Arising Out of PS. Case No.-458 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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RAJ BHARDWAJ @ RAJ Son of Ranjeet Kumar R/v- Maniyappa, P.S.-
Matihani, District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-05-2023 Heard both sides.

The petitioner apprehends his arrest in connection with Muffasil P.S. Case No.458 of 2021, registered for the offences punishable under Section 392 of the Indian Penal Code and Section 27 of the Arms Act. Later on, Section 411 of the Indian Penal Code was added.

The prosecution case, in brief, is that on 06.09.2021, while informant and his wife were returning to his house in the meantime, three persons riding on Apachy motorcycle overtook and fired upon him and thereafter, they snatched ornaments of her wife and a bag containing Rs.1500/-, NIT Book, clothes and one Samsung mobile.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in the



present case. The petitioner has got one criminal antecedent as stated in paragraph-3 of the bail petition. It is further submitted that petitioner is not named in the FIR. During investigation, one Gulshan Kumar was apprehended by the police and he disclosed the name of the petitioner and on the basis of confessional statement of Gulshan Kumar, the petitioner was made accused in the present case. It is also submitted that similarly situated co-accused, Abhishek Kumar @ Abhishak has been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 11.05.2023, passed in Cr. Misc. No.5873 of 2023.

Learned APP for the State opposed the prayer for grant of anticipatory bail to the petitioner. Learned APP for the State further submits that name of the petitioner is transpired in the case diary on the confessional statement of co-accused, Gulshan Kumar. In this regard the ratio laid down by the Apex Court in the case of Indresh Kumar vs. State of Uttar Pradesh in Criminal Appeal No.938 of 2022 may also be taken into consideration in which it has been observed that the 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 cases of grave offence.



Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for grant of anticipatory bail to the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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