

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16339 of 2023**

Arising Out of PS. Case No.-188 Year-2022 Thana- RASULPUR District- Saran

1. DHUMAN MAHTO SON OF SHIONATH MAHTO R/O VILLAGE- DIBI, P.S.- DARONDA, DISTRICT- SIWAN
2. PRABHAT KUMAR @ PRABHAT KUMAR RAM SON OF LATE PRASURAM RAM R/O VILLAGE- DIBI, P.S.- DARONDA, DISTRICT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar  
For the Opposite Party/s : Mr. Sanjay Kumar

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      23-06-2023      Heard the parties.

The petitioners apprehend their arrest in connection with Rasulpur P.S. Case No.188 of 2022, registered for the offence punishable under Section 392 of the Indian Penal Code.

As per the FIR, when the informant was going to his house with his uncle, four accused persons armed with country made pistol came there and snatched motorcycle, two mobile phones and one purse containing important documents from them.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such



occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that nothing has been recovered from the conscious possession of the petitioners or from the house of the petitioners. He submits that the name of the petitioners transpired in the present case on the basis of confessional statement of co-accused. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail. He further submits that the name of the petitioners have 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.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioners on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

Accordingly, this application is dismissed.



However, if the petitioners surrender 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.

(Anjani Kumar Sharan, J)

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