

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17799 of 2023

Arising Out of PS. Case No.-27 Year-2022 Thana- CHANDAUTI District- Gaya

ASHISH YADAV @ ASHISH RAJ @ BADE YADAV @ BARE @ ASHIS
RAJ Son of Jamindra Singh @ Jamindra Yadav R/V- Sherpur, PS- Chandauti,
Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manisha Prakash, Adv.

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Chandauti P.S. Case No.27/2022, registered for the offence
punishable u/s 395, 397 IPC and 27 of Arms Act.

Allegedly, six unknown miscreants armed with pistol
intercepted the informant in his way and started snatching his
motorcycle and upon alarm, they assaulted the informant with
butt of pistol. It is alleged that one of the miscreants opened
fire upon the informant and thereafter they brutally assaulted
him and snatched Rs.50,000/- and other documents.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He



is not named in the F.I.R. and has been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. On the confessional statement of the co-accused Deepak Kumar, the name of petitioner transpired in this case. It is submitted that the confessional statement of the co-accused has no evidentiary value. No incriminating article has been recovered from the conscious physical possession of the petitioner. Petitioner has four criminal antecedent of similar nature of offence.

Learned APP for the State opposed the prayer for bail by submitting that the name of petitioner has come during investigation. Relying upon the judgment of the Apex Court in the case of *Indresh Kumar vs. The State of Uttar Pradesh & Anr.* in *Cr. Appeal No.938 of 2022*, it is submitted that statements u/s 161 Cr.P.C. may not be admissible in evidence but 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 and considering the nature of allegation, I am not inclined to



enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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