

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17822 of 2023

Arising Out of PS. Case No.-556 Year-2022 Thana- HARSIDHI District- East Champaran

RAMSURAT MAHTO @ RAMSURAT KUMAR S/O- RAGHUNATH
MAHTO Village- Murli Ps- Sangrampur Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No. 2, Adv.

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-07-2023 Heard learned counsel for the parties.

Petitioner apprehends his arrest in connection with Harsidhi P.S. Case No.556/2022, registered for the offence punishable u/s 392 of the IPC.

As per the prosecution case, three persons overtook the informant on his way and taken his motorcycle, mobile and other documents.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. Petitioner is not named in the F.I.R. and has been falsely implicated in this case. 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. During investigation, one of the co-accused was apprehended by the police and in his confessional statement, he disclosed the



name of the petitioner that petitioner is also involved. No incriminating article has been recovered from the conscious physical possession of the petitioner. It is further submitted that in the entire case diary, there is no material against the petitioner. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for bail by submitting that the name of petitioner has transpired in this case on the basis of confessional statement of one of the co-accused and the learned Apex Court in the case of ***Indresh Kumar v/s The State of UP & Anr. (Criminal Appeal no.938 of 2022)*** has held that ***“statements under section 161 of 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 case 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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