

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22187 of 2023

Arising Out of PS. Case No.-577 Year-2022 Thana- KOILWAR District- Bhojpur

GOLU KUMAR Son of Sri Ram Bihari Ray Resident of village - Bhadwar,
P.S.- Chandi, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta, Adv.

For the Opposite Party/s : Mr.Upendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioner and learned A.P.P. for
the State.

2. The petitioner apprehends his arrest in a case registered for
the offences punishable under Section 392 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 12.09.2022 at
about 02.00 PM, when the informant was returning home along with
his friends, four persons on two motorbikes arrived there and
surrounded the informant and his friends. One of them is said to have
taken Rs. 20,000/- from the pocket of the informant. Seizing the
opportunity, the informant and his friend ran away and hid
themselves in nearby forest where they learnt the name of two
accused persons i.e. Arun Gupta and Vikash Kumar.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. Petitioner
is a student. No such occurrence as alleged ever took place. He has
been falsely implicated in this case due to ulterior motive. The



allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner is not named in the FIR. He was not apprehended on the spot. No any incriminating article has been recovered from the physical possession of the petitioner. His name has been transpired in the present case merely on the basis of confessional statement of co-accused Vikash Kumar. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Per contra, learned APP for the State vehemently opposing the bail petition relied upon the judgment of the Apex Court in the case of *Indresh Kumar v/s. The State of UP & Anr.* passed in *Criminal Appeal No. 938 of 2022* in which it is stated 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.

6. Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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