

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20783 of 2023

Arising Out of PS. Case No.-212 Year-2022 Thana- KHUSRUPUR District- Patna

Amit Kumar @ Monti Kumar Son Of Uday Kumar Singh Resident Of Village
Chechar, Ps- Biddupur ,DISTRICT Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan
For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 16-10-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case
registered for the offence punishable under Section 395 of the
Indian Penal Code.

3. Accusation is of committing loot of the vehicle of
the informant by unknown persons.

4. Learned counsel for the petitioner submits that
the petitioner is innocent, not named in the FIR and has been
falsely implicated in this case. He submits that the petitioner has
been made accused in this case on the basis of investigation on
the confessional statement of co-accused. He submits that no
incriminating article has been recovered from the possession or
from the house of the petitioner. He further submits that
petitioner has no criminal antecedent as stated in para-3 of this



application.

5. Learned APP for the State opposing the prayer for bail submits that the petitioner was also involved in the present case. He also relied upon the judgment of the Apex Court in the case of **Indresh Kumar Vs. The State of UP & Anr. (Criminal Appeal No. 938 of 2022)**, whereby the Court 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.

6. Considering the nature of offence, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Khusrupur P.S. Case No. 212 of 2022.

(Anjani Kumar Sharan, J)

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