

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28895 of 2023

Arising Out of PS. Case No.-18 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

1. MITHU KUMAR SON OF RAM EKWAL TURAHO @ LAXMI SAH
RESIDENT OF VILLAGE- MADHUAHA PS- RAJEPUR, DISTT- EAST
CHAMPARAN
2. AJAY KUMAR SON OF MAHENDRA RAI RESIDENT OF VILLAGE-
MADHUAHA, PS- RAJEPUR, DISTT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey
For the Opposite Party/s : Mrs. Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 06-11-2023 Heard the parties.

2. The petitioners apprehend their arrest in connection with Hajipur Sadar P.S. Case No.18 of 2019, registered for the offence punishable under Section 395 of the Indian Penal Code.

3. The prosecution case is that, while the petitioner was driving a tractor, the petitioners and other co-accused persons stopped him on point of pistol and took the tractor and fled towards Anjanpir. It is alleged that the other accused persons took the informant in a car and forced to bow down in the middle of back seat and snatched his mobile and lastly threw him near Biddupur.

4. It is submitted by learned counsel for the petitioners



that petitioner 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 the name of the petitioners transpired in the present case on the basis of confessional statement of apprehended co-accused Jaswant Kumar Yadav. Petitioner no.1 has two criminal antecedent and petitioner no.2 has three criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail. He further submits that the name of the petitioners has transpired in the present case on the basis of confessional statement of co-accused Jaswant Kumar Yadav. 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.

6. 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.

7. Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

shikha/-

U		T	
---	--	---	--

