

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33687 of 2023

Arising Out of PS. Case No.-379 Year-2019 Thana- KHAIRA District- Jamui

SONU TANTI @ SONU KUMAR TANTI Son of Manoj Tanti Resident of
Village - Satgama, P.S.- Jamui, District - Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Branch Manager, State Bank of India, Gopalpur Branch, Distt. - Jamui Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Adv.
For the Opposite Party/s : Mr.Md. Aslam Ansari, APP.
Mr. Rakesh Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with
Khaira P.S. Case No. 379 of 2019, registered for the offence
punishable u/s 419, 420, 467, 468, 120(B), 471 and 34 of the
IPC and Section 67 of the I.T. Act, pending in the court of
learned Chief Judicial Magistrate, Jamui.

3. The prosecution case, in brief, is that the informant,
who is Branch Manager of State Bank of India at Gopalpur
Branch, District-Jamui, was informed that the operation of
Account No. 38884029657 is suspicious and hold was imposed
on the alleged account by that branch. Thereafter, on 16.12.2019



at about 01.00 P.M., when the account holder came to change his mobile number, the details of the alleged account were extracted by that branch and it was found that deposits and withdrawals are being done by online only.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. 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. It is further submitted that petitioner is not named in the FIR but after investigation, he has been made accused in the present case merely on the basis of confessional statement of co-accused, namely, Banti Kumar @ Surya Kumar and Tuntun Kumar, which is not admissible in the eye of law as per Evidence Act. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well learned counsel for informant vehemently opposed the prayer for bail. They further relies 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 the 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 as well as nature of offence, 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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