

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43491 of 2023

Arising Out of PS. Case No.-261 Year-2020 Thana- SIWAN CITY District- Siwan

=====

SUNIL PRASAD S/O LATE GANESH SAH @ GANESH PRASAD R/O
Village- Laxmipur, P.S- G.B. Nagar, Distt.- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Adv.

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

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 30-10-2023 Heard learned counsel for the parties.

2. Petitioner is apprehending his arrest in connection with Siwan Town P.S. Case No.261 of 2020, registered for the offence punishable u/s 379 of the IPC.

3. The informant alleges that some unknown thieves have stolen away his Bolero vehicle.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence. He has been falsely implicated in this case due to ulterior motive. Petitioner is not named in the F.I.R. and his name transpired in this case only on the basis of confessional statement of the co-accused. No incriminating article has been recovered from the conscious physical possession of the petitioner. Petitioner has three criminal antecedent, which is



mentioned in para-3 of the supplementary affidavit and similarly situated co-accused has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 27.07.2021 passed in Cr. Misc. No.5383 of 2021.

5. Learned APP for the State opposed the prayer for bail by submitting that the name of petitioner has come in this case on the basis of confessional statement of the co-accused and considering the judgment of the Apex Court in the case of *Indresh Kumar v/s The State of UP & Anr. In Criminal Appeal no.938 of 2022*, statements made under section 161 Cr.P.C. are relevant in considering the prima facie case against an accused in an application for grant of bail in the case of grave offence.

6. Considering the aforesaid facts and circumstances and the nature of offence, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

pallavi/-

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

