

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37080 of 2023

Arising Out of PS. Case No.-96 Year-2022 Thana- JAGDISHPUR District- Bhagalpur

Mithun Bind Son Of Ramanand Bind Resident Of Village- Chorgaon, Ps-
Asrganj, Distt- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 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 394 of the Indian Penal Code.

3. As per FIR, some miscreants have put revolver on the chest of the informant and taken the bag in which Rs. 7.25 lac cash was kept.

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 confessional statement of co-accused. He submits that the no incriminating article has been recovered from the possession of the petitioner. He submits that there is no specific overt act against 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 Jagdishpur P.S. Case No. 96 of 2022.

(Anjani Kumar Sharan, J)

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