

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34980 of 2023

Arising Out of PS. Case No.-487 Year-2022 Thana- LALGANJ District- Vaishali

PINTU RAI S/O LATE LALU RAI R/o Village-Balaha, P.S.-Kartaha, Dist.-
Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha

For the Opposite Party/s : Mr. Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 392 of the Indian Penal Code pending in the learned court below.

3. As per the prosecution case, when the informant was going to his office, three miscreants on a motorcycle restrained him on gun point and snatched his motorcycle and fled away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that the petitioner is not named in the F.I.R. but in the confessional statement of the co-accused the petitioner is made accused in the present case. He submits that



there is no incriminating article has been recovered from the conscious possession of the petitioner. He further submits the said motor-cycle was recovered from an open place near the Repura Petrol Pump. He further submits that petitioner has got one criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submits that the allegation levelled as the petitioner is serious in nature. Relying upon the judgment of the Hon'ble Apex Court passed in the case of ***“Indresh Kumar Vs. the State of U.P. & Anr. (Criminal Appeal No.938 of 2022)*** whereby the Court has held that “Statement under Section 161 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.” Hence, he does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case and the judgment of the Hon'ble Apex Court passed in the case of *Indresh Kumar (supra)* case, I am not inclined to enlarge the petitioner on bail in connection with Lalganj P.S. Case No. 487/2022. Accordingly, his prayer for anticipatory bail is hereby rejected.



7. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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