

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35633 of 2023

Arising Out of PS. Case No.-738 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

Sonu Kumar S/O Raj Kumar R/O Village- Jokia, P.S- Bhagwanpur In The District Of Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Begusarai Town P.S. Case No. 738 of 2022 registered for the offences punishable under Section 392 of the Indian Penal Code pending in the Court of learned Chief Judicial Magistrate, Begusarai.

3. As per the prosecution case, two unknown persons entered into the house of the informant with knife and pistol and threatened him to give money on the point of pistol. They looted Rs. 10 lakh from godrej and went away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the petitioner is not named in the FIR, during the course of



investigation his name has been dragged in the present case on the basis of confessional statement of co-accused Chandan Kumar. The petitioner has one criminal antecedent as mentioned in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for anticipatory bail and submits that the petitioner is also involved in the present case. He also relied upon the judgment of the Hon'ble 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 the 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 and the judgment of ***Indresh Kumar*** (supra) and the nature of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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