

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38450 of 2023

Arising Out of PS. Case No.-239 Year-2014 Thana- BHAGWANPUR District- Vaishali

Suraj Kumar @ Ravi Kumar @ Chhotu Son Of Jawahar Bhagat Village-
Rammath Ps- Kudhani Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Paswan

For the Opposite Party/s : Ms. Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Bhagwanpur P.S. Case No. 239 of 2014 registered for the offences punishable under Section 392 of the Indian Penal Code pending in the Court of learned C.J.M., Vaishali at Hajipur.

3. As per the prosecution case, when the informant and his father were coming to their house on motorcycle, four miscreants on motorcycle come behind the motorcycle of the informant and dashed his motorcycle resulting which the informant and his father fell down and then the miscreants fled away after taking the bag containing Rs. 1, 00, 000/-.

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 F.I.R. and nothing has been recovered from the possession of the petitioner. The name of the petitioner came in the present case on the basis of confessional statement of co-accused, Randhir Kumar. Petitioner has two criminal antecedents 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), 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)

anand/-

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