

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36361 of 2023

Arising Out of PS. Case No.-105 Year-2023 Thana- AMAUR District- Purnia

Sumit Kumar Vishwas @ Sumit Kumar S/O Sri Ashok Vishwas R/O Village.
Baraidgah, Milki, Ps. Kasba, Dist. Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Amit Kumar Anand
For the Opposite Party/s :	Mr. Md. Ataur Rahman
	Mr. Rajnikant Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 30-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Amour P.S.
Case No. 105 of 2023 registered for the offences punishable
under Sections 417, 419, 420, 465, 467, 468, 471, 472, 473, 474
and 120(B) of the Indian Penal Code pending in the Court of
learned Judicial Magistrate, 1st Class, Purnea.

3. As per the prosecution case, when the informant
along with other police personnel were checking vehicle, the
informant saw the motorcycle riders, who were coming from
Bankora and the said persons tried to flee away from there but
the informant succeeded to apprehend one person. The
apprehended person disclosed that they used to download the



sale deed of other States. Thereafter, from the sale deed, they obtain the finger prints and Aadhar numbers and by making duplicate finger print they used to withdraw the amount from the account.

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 no incriminating article has been recovered from conscious possession of the petitioner. He further submits that the petitioner is not named in the F.I.R., his name has been transpired in the present case only on the basis of confessional statement of co-accused. The petitioner has got no criminal antecedent as mentioned in para-3 of the bail application.

5. Learned APP for the State vehemently opposing the bail petition submitted 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.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

anand/-

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

