

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41744 of 2023

Arising Out of PS. Case No.-680 Year-2022 Thana- DAUDNAGAR District- Aurangabad

RAJ KUMAR Son of Dhan Kumar Singh Resident of village - Pashichami
English, Bihta, Distt. - Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs. Malti Kumari

For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-08-2023 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 395 of the Indian Penal Code pending in the learned court below.

3. As per the prosecution case, petitioner along with other co-accused persons has looted Rs.1,00,456/- and other articles from the petrol pump.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that there is general and omnibus allegation against the petitioner. He submits that the petitioner is made accused on the basis of the confessional statement of the co-accused Munna Kumar. He further submits that there is no any incriminating article has been recovered from the conscious



possession of the petitioner. He further submits that petitioner has got no 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 held that "Statements 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 nature of the offence and the judgment of the Hon'ble Apex Court passed in *Indresh Kumar* (supra) case, I am not inclined to enlarge the petitioner on bail in connection with Daudnagar P.S. Case No. 680/2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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