

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37671 of 2023

Arising Out of PS. Case No.-185 Year-2020 Thana- GORIAKOTHI District- Siwan

AMIT KUMAR S/O SAGAR PRASAD @ SAGAR BIN R/O Village-
Mahamda Bazaar, PS. Bhagwanpur Hat, Dist. Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-07-2023 Heard the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable u/s 413, 414/34 of the IPC.

3. Allegedly, one motorcycle was seized from the spot and one person was apprehended and on demand of the papers of motorcycle, the same was not produced. The apprehended person disclosed that petitioner and one Sandeep Kumar fled away from the spot.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No incriminating article has been recovered from the conscious physical possession of the petitioner. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. Besides the



confessional statement of the co-accused, there is no material against the petitioner. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail and submits that the name of petitioner has transpired in the confessional statement of the co-accused and the Hon'ble Apex Court in the case of *Indresh Kumar v/s The State of UP & Anr. (Criminal Appeal no.938 of 2022)* has held that "statements under section 161 of 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. Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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