

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37694 of 2023

Arising Out of PS. Case No.-88 Year-2023 Thana- BANIAPUR District- Saran

RAJAN KUMAR @ RAJAN RAY Son of Sri Bhagwan Ray Resident of
village - Chhatwan Khurd, Manikpura, P.S. - Baniyapur, Distt. - Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Adv.

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner apprehends his arrest in connection with
Baniyapur P.S. Case No.88/2023, registered for the offence
punishable u/s 395 of the IPC.

3. As per the prosecution case, two persons riding on a
motorcycle surrounded the informant and on the point of pistol
snatched his motorcycle and fled away.

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 such occurrence, in the
manner as alleged, has ever taken place. His name transpired in
this case on the basis of confessional statement of co-accused Sonu
Kumar Sah. The allegation leveled against the petitioner is not
specific rather general and omnibus in nature. No incriminating



article has been recovered from the conscious physical possession of the petitioner. He has one criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that name of petitioner has transpired on the basis of confessional statement of the co-accused and the 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 and considering the nature of allegation, 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.

8. However, petitioner is at liberty to surrender before the learned court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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