

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38282 of 2023

Arising Out of PS. Case No.-1 Year-2020 Thana- MANJHAGARH District- Gopalganj

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NILESH SINGH @ RAJPUT NILESH KUMAR SINGH Son of Dayasnkhar Singh @ Daya Singh Resident of Village - Bhawaniganj, P.S.- Manjhagarh, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Javed Aslam, Adv.

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. Petitioner apprehends his arrest in a case registered for the offence punishable u/s 414, 419, 420, 467, 468, 471 of IPC.

3. Allegedly, the unknown miscreants are said to have defalcated the money of the villagers by changing their ATM Card. One person was apprehended from Manjhagarh State Bank ATM and he disclosed the name of Irfan Ali as his associate. The said Irfan Ali disclosed the name of petitioner.

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. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. It is submitted that the name of petitioner transpired in this case on the basis of confessional statement of the co-accused Irfan Ali before the police and except that there is no material against the petitioner. No incriminating article has been recovered from the conscious physical possession of the petitioner. Petitioner has no criminal antecedent and several similarly situated co-accused have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 16.05.2023 passed in Cr. Misc.9397/2023.

5. Learned APP for the State opposed the prayer for bail by submitting that the name of petitioner has been taken in the confessional statement of the co-accused and the Hon'ble Apex Court has held in the case of ***Indresh Kumar v/s The State of UP & Anr. (Criminal Appeal no.938 of 2022)*** 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.

(Anjani Kumar Sharan, J)

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