

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42652 of 2023

Arising Out of PS. Case No.-221 Year-2022 Thana- DARAUNDA District- Siwan

Santosh Kumar Soni @ Santosh Soni S/O Late Harihar Sonar R/O Village-
Pachlakhi, Ps. Nautan, Dist. Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Daraunda (M.H. Nagar) P.S. Case No. 221 of 2022 registered for the offences punishable under Section 395 of the Indian Penal Code pending in the Court of learned Judicial Magistrate-Ist Class, Siwan.

3. As per the prosecution case, 10-12 unknown miscreants entered into the house of the informant and took away clothes, money golden jewellery from the house of the informant and they also looted the house hold articles of the informant's neighbour.

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 the petitioner is not name in the F.I.R., his name has been transpired in this case on the basis of confessional statement of one Sunil Nut. Petitioner has got one criminal antecedent as mentioned in para-3 of the bail application.

5. Learned APP for the State opposes prayer for anticipatory bail and submits 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.

(Anjani Kumar Sharan, J)

anand/-

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

