

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42641 of 2023**

Arising Out of PS. Case No.-585 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

Prince Kumar @ Bambam Kumar Son Of Sudheer Kumar Residents Of
Village Manpur Jau Police Station Runnisaidpur District Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Surendra Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 10-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Runni Saidpur P.S. Case No. 585 of 2020 registered for the offences punishable under Section 394 of the Indian Penal Code pending in the Court of learned Chief Judicial Magistrate, Sitamarhi.

3. The allegation against the petitioner is that he along with two other persons assaulted the informant with knife and looted his motorcycle and mobile.

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 named in the F.I.R., his name has been transpired in this case on the basis of confessional statement of the co-accused, Tribhuvan Kumar. The petitioner has two criminal antecedents of



similar nature as mentioned in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for anticipatory bail and submits that the petitioner is also involved in the present case and CDR and confessional statement has supported the prosecution 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. However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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