

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44244 of 2023**

Arising Out of PS. Case No.-345 Year-2014 Thana- SHERGHATI District- Gaya

Ramesh Kumar @ Laltu Kumar S/O Lekhraj Yadav R/O Village- Dhab  
Rampur, P.S- Dobhi, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Asha Kumari

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

4      18-12-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 379 of the Indian Penal Code.

3. As per FIR, pulsar motorcycle bearing Reg. No. BR02U-5415 of the informant has been stolen by unknown person when he was taking meal in the Baba Kailash Line Hotel Ghateriya More Gaya.

4. Learned counsel for the petitioner submits that the petitioner is innocent, not named in the FIR and has been falsely implicated in this case. He submits that the petitioner has been made accused in this case on the basis of confessional statement of co-accused. He submits that nothing has been recovered from the conscious possession or from the house of the petitioner. He further submits that petitioner has one criminal antecedent as stated in para-3 of this application.



5. Learned APP for the State opposing the prayer for bail submits that the petitioner was also involved in the present case. He also relied upon the judgment of the 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 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 nature of offence, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Sherghati (Dobhi) P.S. Case No. 345 of 2014.

7. However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order.

**(Anjani Kumar Sharan, J)**

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