

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47032 of 2023**

Arising Out of PS. Case No.-103 Year-2019 Thana- KOTWA District- East Champaran

Azad Mian @ Ajaad Alam Son Of Muslim Miyan Resident Of Village -  
Amawa, P.S.- Kotwa, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Akbar Ali

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

3      12-10-2023                      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 392 of the Indian Penal Code, subsequently, converted into Section 395 of the IPC.

3. Petitioner along with other accused persons are said to have committed loot with the informant.

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 on the basis of confessional statement of co-accused. He further submits that petitioner has two 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 Kotwa P.S. Case No. 103 of 2019.

**(Anjani Kumar Sharan, J)**

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