

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47033 of 2023

Arising Out of PS. Case No.-37 Year-2022 Thana- TRIVENIGANJ District- Supaul

SHANKAR MANDAL S/O YOGENDRA MANDAL R/O VILLAGE-
LAXMINIYA, PS. TRIVENIGANJ, DIST. SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-07-2023 Heard learned counsel for the parties.

2. Petitioner apprehends his arrest in connection with Triveniganj P.S. Case No.37/2022, registered for the offence punishable u/s 395, 397 of the IPC and 27 of the Arms Act.

3. As per the prosecution case, named accused persons fired upon the informant. Thereafter the other accused persons took the purse containing the documents of the informant and also took away his motorcycle.

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. The specific allegation is against the other co-accused persons. Name of petitioner has transpired on the basis of



confessional statement of the co-accused apprehended subsequently. Petitioner has one criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that the name of petitioner has come on the basis of confessional statement of the apprehended 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.

8. However, petitioner is at liberty to surrender before the learned court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

pallavi/-

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

