

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49640 of 2023

Arising Out of PS. Case No.-183 Year-2022 Thana- BIDUPUR District- Vaishali

Shudhanshu Kumar @ Shudhanshu Ranjan S/O Dilip Chaudhary R/O
Village- Khilwat, Ps. Bidupur, Dist. Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Kant Mishra

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 392 of the Indian Penal Code pending in the learned court below.

3. According to the FIR, the prosecution case in brief is that one Dharmendra Kumar gave his farbeyan stating therein that on 18.04.2022 at about 8:40 P.M. the informant closed his shop of mobile and kept the mobiles in his bag. When he reached to Mohaniya by his scooty, the three miscreants on there motorcycle intercepted him and they pulled the shirt of the informant and miscreants put the pistol to the informant and snatched cash Rs.25960/- and phone and sim from him pocket and 55 piece mobile worth Rs. None lakh fifty thousand, contained in trolley bag and fled away.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that the FIR was lodged against the unknown persons. He submits that during the investigation one person was apprehended who disclosed the name of the petitioner. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application. Relying upon the judgment of the Hon'ble Apex Court passed in the case of "**Indresh Kumar Vs. The State of U.P. & Anr. (Criminal Appeal No. 938 of 2022)**" whereby the Court held that Statements under Section 161 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. Hence, he does not deserve anticipatory bail.

6. Considering the nature of the offence, I am not inclined to enlarge the petitioner on bail in connection with Bidupur P.S. Case No. 183 of 2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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