

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49193 of 2023

Arising Out of PS. Case No.-411 Year-2017 Thana- BAKHTIYARPUR District- Patna

ANURAG KUMAR @ BITTU SON OF JALGOVIND SINGH @ RAI RES-
IDENT OF VILLAGE - GHOSWARI, POLICE STATION - BAKHTI-
YARPUR, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s: Mrs. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-09-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner apprehend his arrest in connection with
Bakhtiarpur P.S. Case No.411 of 2017, registered for the offence
punishable under Section 394 of the Indian Penal Code.

3. Allegedly, the petitioner and other co-accused is said to
have snatched the bag of the informant on the point of fire arm.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and have 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 lev-
elled against the petitioner is not specific rather general and om-
nibus in nature. There is no eye witness to the alleged occur-



rence. He submits that the petitioner is not named in the FIR, his name transpired in the present case on the basis of confessional statement of apprehended co-accused Md. Sabir. Petitioner has no criminal antecedent as also mentioned in para-3 of the bail application.

5. Learned APP for the State opposed the prayer for anticipatory bail. He further submits that the name of the petitioner has transpired in the present case on the basis of confessional statement of co-accused Md. Sabir. In this regard the ratio laid down by the Apex Court in the case of **Indresh Kumar vs. State of Uttar Pradesh in Cr. APP. No.938 of 2022** may also be taken into consideration in which it has been observed that the statements made under Section 161 of Cr.PC. are relevant in considering the *prima facie* case against an accused in an application for grant of bail in cases of grave offence.

6. Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. Accordingly, this application is dismissed.

8. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seek



for regular bail and the learned Court below shall pass the order
on the same day in accordance with law.

(Anjani Kumar Sharan, J)

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