

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50321 of 2023

Arising Out of PS. Case No.-51 Year-2023 Thana- NAWANAGAR District- Buxar

Vikash Yadav @ Vikash Kumar Singh Son Of Rajdev Singh @ Rajdeo Yadav
R/O Vill. Jituradih, Ps- Nawanagar, Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma
For the Opposite Party/s : Mr. Anish Chandra

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. As per the prosecution case, when the informant was going to article to the customer on his motorcycle, an another motorcycle dashed him behind, so his motorcycle become unbalanced and he fell down. On the alleged motorcycle, there were two persons who snatched his mobile, purse in which Aadhar Card, PAN Card was kept along with Rs. 23,000/- at the gun point and informant could not identify them because they were wrapping gamchha on their face.

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 petitioner is not named in the FIR. He submits that during course of investigation one co-accused person



apprehended by police and on his confessional statement of the co-accused, petitioner has been made accused in this case. He further submits that there is no incriminating article has been recovered from the conscious possession of the petitioner. He further submits that petitioner has got three criminal antecedents 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 Nawanagar P.S. Case No. 51 of 2023. Accordingly, his prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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