

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55066 of 2023

Arising Out of PS. Case No.-395 Year-2022 Thana- KANTI District- Muzaffarpur

1. UDAY PRASAD@ MAHATMA SON OF LATE BINDESHWARI BHAGAT RESIDENT OF VILLEG -KHARAR GADH, PS- MINAPUR, DISTT- MUZAFFARPUR
2. MANOJ KUMAR SON OF LATE BINDESHWARI BHAGAT RESIDENT OF VILLEG -KHARAR GADH, PS- MINAPUR, DISTT- MUZAFFARPUR
3. UMA SHANKAR BHAGAT SON OF BASDEV BHAGAT RESIDENT OF VILLEG- BULAKI, TOLA, PS- RAJEPUR, DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sagar Kumar, Adv.
For the Opposite Party/s : Mrs.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-08-2023 Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State.

2. Petitioners apprehend their arrest in connection with Kanti P.S. Case No.395 of 2022, registered for the offence punishable u/s 406, 420 of the IPC and subsequently sections 395, 412 of the IPC were added.

3. As per the prosecution case, a Bolero Pick Up van loaded with poultry feed was stolen away in mid-way by some unknown miscreants. Later on the Pick Up van was recovered but poultry feed worth Rs.1,50,000/- was not found.



4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They are not named in the F.I.R and have been falsely implicated in this case. During investigation, one co-accused was apprehended and on his confession, name of petitioners transpired in this case. Except the confessional statement of the co-accused, there is no material against the petitioners. Petitioners have one criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that the name of petitioners has transpired in the confessional statement of the co-accused and that is sufficient to reject the anticipatory bail application of the petitioner in view of the judgment of the Apex Court passed in the case of ***Indresh Kumar v/s The State of UP & Anr. (Criminal Appeal no.938 of 2022)***, whereby the Apex 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. Having regard to the facts and circumstances of the case, considering the nature of allegation and the case of ***Indresh (supra)***, I am not inclined to enlarge the petitioners on bail. The



prayer for grant of anticipatory bail on their behalf is hereby
rejected.

7. This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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