

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57862 of 2023

Arising Out of PS. Case No.-72 Year-2022 Thana- MANSURCHAK District- Begusarai

SONU KUMAR @ SONA BABU Son of Sudhir Choudhary Resident of
village - Navtola, P.s. - Mansoorchak, Distt. - Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha

For the Opposite Party/s : Mr. Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 14-12-2023 Heard the parties.

2. The petitioner apprehends his arrest in connection with Mansoorchak P.S. Case No.72 of 2022, registered for the offence punishable under Section 392 of the Indian Penal Code.

3. Allegedly, the petitioner and other co-accused persons is said to have stopped the informant and took away his mobile, purse and driving license, Aadhar card and cash of Rs.32,420/- on the point of gun.

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 levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the name of the petitioner transpired in the present case on the basis of confessional statement of apprehended



co-accused. There is no recovery of any articles from the possession of the petitioner. He further submits the FIR is lodged after four days of the occurrence on the basis of the disclosure of the names of accused persons by local villager. Petitioner has one criminal antecedent.

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. 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.

(Anjani Kumar Sharan, J)

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