

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66844 of 2023

Arising Out of PS. Case No.-748 Year-2019 Thana- FATUA District- Patna

MANOJ KUMAR son of Nagina Yadav Village- Dost Mohammadpur Ps-
Fauha @ Fatwah Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudal Singh

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-11-2023 Heard the parties.

2. The petitioner apprehends his arrest in connection with Fatuha P.S. Case No.748 of 2019, registered for the offence punishable under Section 399, 402 of the Indian Penal Code and 25(1-b)a/26/35 of Arms Act.

3. Allegedly, the petitioner along with others, is said to have been planning to loot some businessmen. Four persons were apprehended by the police and they disclosed the name of the petitioner.

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 petitioner is named in the FIR, his name transpired in the present case on the basis of confessional statement of apprehended co-accused persons. 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 persons. 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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