

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66737 of 2023

Arising Out of PS. Case No.-732 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

1. MANTU KUMAR SINGH @ MANTU KUMAR SON OF RADHESHYAM SINGH RESIDENT OF VILLAGE - KARANTOLA, PS- JAGDISHPUR, DIST- BHOJPUR
2. SATYENDRA KUMAR SON OF RAMCHANDRA PRADAD RESIDENT OF VILLAGE - JAJBAJAR, PS- BIHIYA, DISTT- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhijeet Abhigyan

For the Opposite Party/s : Mr. Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-11-2023 Heard the parties.

2. The petitioners apprehends their arrest in connection with Mufassil P.S. Case No.732 of 2023, registered for the offence punishable under Section of the Indian Penal Code.

3. The allegation against the petitioners is that they, in collusion with other co-accused persons stole the cement loaded vehicle of the informant.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that the name of the



petitioners transpired in the present case on the basis of confessional statement of apprehended co-accused Vijay Kumar Singh. Petitioners have no 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 Vijay Kumar Singh. 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 petitioners on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

7. Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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