

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69086 of 2023

Arising Out of PS. Case No.-362 Year-2022 Thana- KALYANPUR District- Samastipur

AMAR KUMAR SAHANI @ AMAN KUMAR @ AMAR KUMAR son of
Dasai Sahni Village- Namapur Kheri Ps- Chakmehsi Dist- Samastipur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Suruchi Anand, Adv.
Mr.Nidhi Anand, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-11-2023 Heard Ms. Suruchi Anand, learned counsel for the
petitioner and Mr. Dilip Kumar No.1, learned APP for the State.

2. The petitioner apprehends his arrest in connection with
Kalyanpur P.S. Case No.362 of 2022, registered for the offence
punishable u/s 392 of the IPC.

3. Allegedly, three miscreants snatched the bag of the
informant, in which cash collected from the customers and other
articles were kept.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case due to ulterior motive.
No such occurrence, in the manner as alleged, has ever taken
place. Petitioner is not named in the F.I.R. and during
investigation, one co-accused was apprehended, who stated



before the police that petitioner and other co-accused persons were involved in the alleged occurrence. No incriminating article has been recovered from the conscious physical possession of the petitioner nor any T.I. parade has been held till date. Petitioner has no criminal antecedent and similarly situated co-accused has been granted anticipatory bail by co-ordinate Bench of this Court vide order dated 07.07.2023 passed in Cr. Misc. No.26858 of 2023.

5. Learned APP for the State opposed the prayer for bail by submitting that the Apex Court in the case of ***Indresh Kumar v/s The State of UP & Anr. In Criminal Appeal no.938 of 2022***, has held that statements made under section 161 Cr.P.C. are relevant in considering the prima facie case against an accused in an application for grant of bail in the case of grave offence.

6. Having regard to the facts and circumstances of the case and considering the nature of allegation, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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