

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70088 of 2023

Arising Out of PS. Case No.-127 Year-2023 Thana- JAGDISHPUR District- Bhojpur

Vikash Kumar Son Of Bharat Singh Resident Of Village - Harnahi, P.S.-
Jagdishpur, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta
For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 379 of the Indian Penal Code and later on Section 411 of the IPC has been added.

3. As per FIR, some unknown persons have stolen the tractor with Dala of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent, not named in the FIR and has been falsely implicated in this case. He submits that the petitioner has been made accused in this case on the basis of confessional statement of co-accused who has inimical terms with the petitioner. He submits that there is no specific overt act against the petitioner. He submits that the alleged tractor has been



recovered from the possession of co-accused Mukendra Kumar. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

5. Learned APP for the State opposing the prayer for bail submits that the petitioner was also involved in the present case. He also relied upon the judgment of the Apex Court in the case of **Indresh Kumar Vs. The State of UP & Anr. (Criminal Appeal No. 938 of 2022)**, whereby the 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. Considering the nature of offence, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Jagdishpur P.S. Case No. 127 of 2023.

(Anjani Kumar Sharan, J)

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