

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75053 of 2023

Arising Out of PS. Case No.-1 Year-2023 Thana- CHAORI District- Bhojpur

Mantosh Kumar S/O Shri Niwas Singh Village- Baghgra Tola, Ps. Sikrahta,
Dist. Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 392 and 411 of the Indian Penal Code pending in the learned court below.

3. As per the prosecution case, three persons riding on a black Pulsar Motorcycle came and stopped him. Then one of them showing katta and other snatched Rs.28,000/- cash from his pocket, one Redmi Mobile phone and blue Apache Motorcycle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that petitioner is not named in the FIR during the investigation one co-accused person was apprehended by the Police who disclosed the name of the petitioner on that basis the petitioner is made accused in this case. He submits that there is no any contraband article has been recovered from the house of the petitioner or from the conscious possession of the petitioner. He



further submits that the motorcycle was recovered from the house of the co-accused Ritik Raushan. He further submits that petitioner has got one criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and relying upon the judgment of the Hon'ble Apex Court passed in the case of "***Indresh Kumar Vs. The State of U.P. & Anr. (Criminal Appeal No. 938 of 2022)***" whereby the Court held that "Statements under Section 161 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." Hence, he does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case and the fact that the co-accused Ritik Chauhan disclosed the name of the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Chauri P.S. Case No. 01 of 2023. Accordingly, his prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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