

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75160 of 2023

Arising Out of PS. Case No.-307 Year-2022 Thana- BODHGAYA District- Gaya

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ROHIT KUMAR S/O SANJAY PRASAD GUPTA R/O VILLAGE- GEWAL
BIGHA AKHARA PAR, P.S- RAMPUR, DISTT.- GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aryan Singh, Adv.

For the Opposite Party/s : Mrs.Shaheen Begum, APP

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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. Petitioner is apprehending his arrest in connection with
Bodh Gaya P.S. Case No.307 of 2022, registered for the offence
punishable u/s 392 of the IPC.

3. Allegedly, three persons sitting on a bike snatched the
phone of the informant and fled away from the spot.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence.
He has been falsely implicated in this case due to ulterior
motive. It is submitted that petitioner is not named in the F.I.R.
and during investigation, one accused was apprehended, from
whose possession the stolen phone was recovered and the said
accused disclosed the name of the petitioner as the person from



whom, he has purchased the said mobile. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that petitioner is also involved in the present occurrence and his name has come on the confessional statement of the co-accused. In this regard, reliance has been placed on the judgment of the Apex Court in the case of *Indresh Kumar v/s The State of UP & Anr. In Criminal Appeal no.938 of 2022*, hereby it has been held that the 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. Considering the aforesaid facts and circumstances and 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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