

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16645 of 2024

Arising Out of PS. Case No.-483 Year-2023 Thana- MADHUBAN District- East Champaran

Bittu Kumar S/o Basanti Sah R/o Village- Akauna, P.S.- Madhuban, District-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar

For the Opposite Party/s : Mr. Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Madhuban P.S. Case No. 483 of 2023 registered for the offences punishable under Section 392 of the Indian Penal Code pending in the Court of learned Chief Judicial Magistrate, East Champaran at Motihari.

3. As per the prosecution case, It is alleged that three persons on one Apache motorcycle overtook the informant's motorcycle and they stopped the motorcycle of the informant and on the point of pistol they snatched the vivo mobile of the informant and they also snatched the wallet of informant, in which the informant had kept cash Rs. 8,760/-, Aadhar Card, Pan Card, Id Card, Driving license and other



documents.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the petitioner is not named in the F.I.R. rather his name transpired into present case on the basis of confessional statement of co-accused Golu Kumar. The petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for anticipatory bail and submits that the petitioner is also involved in the present case. He also relied upon the judgment of the Hon'ble 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 the 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 facts and circumstances of case, nature of the offence and the judgment of Hon'ble Apex Court passed in case of ***Indresh Kumar (supra)***, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for



anticipatory bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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