

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19491 of 2024**

Arising Out of PS. Case No.-89 Year-2023 Thana- BHAIKAVSHTHAN District- Madhubani

Prabhash Paswan @ Prabhat Kumar son of Fekan Paswan Village- Kothiya
Ps- Bhairav Asthan Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar

For the Opposite Party/s : Mr. Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-05-2024 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in connection with Bhairav Asthan P.S. Case No.89 of 2023, registered for the offence punishable under Section 394 of the Indian Penal Code.

3. Allegedly, the petitioner along with other co-accused persons intercepted the motorcycle of the informant and assaulted him and his brother and also snatched mobile phone and Rs.3700/- cash from his brother.

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. No such occurrence, in the manner as alleged, has ever taken place. The allegation



levelled against the petitioner is not specific rather general and omnibus in nature. There is no recovery of incriminating articles from the possession of the petitioner. There is no specific overt act against the petitioner and his name transpired in the present case on the basis of confessional statement of apprehended co-accused. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail. He further submits that the name of the petitioner has transpired in the present case on the basis of confessional statement of co-accused. In this regard the ratio laid down by the Apex Court in the case of **Indresh Kumar vs. State of Uttar Pradesh in Cr. APP. No.938 of 2022** may also be taken into consideration in which it has been observed that the statements made under Section 161 of Cr.PC. are relevant in considering the *prima facie* case against an accused in an application for grant of bail in cases of grave offence.

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



7. Accordingly, this application is dismissed. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day in accordance with law.

(Anjani Kumar Sharan, J)

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