

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14997 of 2023

Arising Out of PS. Case No.-17 Year-2022 Thana- MUSRIGHRARI District- Samastipur

SANNY KUMAR @ SUNNY KUMAR SINGH S/O SANJAY SINGH R/O
VILLAGE - SEKHOPUR P.S.-WARISNAGAR, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Kumar, Adv.

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 11-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Musrigharari P.S. Case No. 17 of 2022 registered for the offences punishable under Section 395 of the Indian Penal Code.

3. Allegedly, all the accused persons including the petitioner are said to have committed loot in Flipkart office and looted cash Rs. 8 lacs and several mobiles on point of pistol.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. Petitioner is a student of B.A. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner



is totally false and based on concocted facts. He is not named in the FIR. No any stolen article has been recovered from the house of petitioner. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended co-accused which has no evidentiary value in the eye of law. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail relying upon the judgment of the Apex Court in the case of ***Indresh Kumar v/s. The State of UP & Anr.*** reported in Criminal Appeal No. 938 of 2022 in which it is held that the 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 facts and circumstances of the case as well as nature of the offence, I am not inclined to enlarge him on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, if petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in



accordance with law without being prejudiced by this order
considering the fact that petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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