

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16652 of 2024

Arising Out of PS. Case No.-568 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

Nikhil Kumar S/O Late Chandrakant Kumar @ Chandraketu Mandal
Resident Of Village-Bhadwas, P.S.-Mahua, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Pradeep Narain Kumar

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 Hajipur Sadar P.S. Case No. 568 of 2023 registered for the offences punishable under Sections 392, 411, 414 of the Indian Penal Code pending in the Court of learned Chief Judicial Magistrate, Vaishali at Hajipur.

3. As per the prosecution case, It is alleged that three persons on one Apache motorcycle snatched a mobile from one lady, namely, Sapna Kumari at Dighi Over Bridge.

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 has been made accused in the present case on the basis of confessional statement of co-accused, namely, Sonu Kumar. The petitioner has no 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 the 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, considering the fact that the petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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