

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24057 of 2024

Arising Out of PS. Case No.-239 Year-2023 Thana- BIBHUTIPUR District- Samastipur

SIKANDRA KUMAR @ SIKANDRA RAM @ SITENDRA RAM S/O
LAKHAN RAM R/O VILLAGE- MALPUR, P.S- DALSINGHSARAI,
DISTT.- SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Rabindra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Bibhutipur P.S.
Case No. 239 of 2023 registered for the offences punishable
under Section 394 of the Indian Penal Code.

3. The allegation against the petitioner is that he along
with other co-accused persons looted Rs. 1,66,000/- from the
possession of the petitioner on the point of pistol and managed
to escape.

4. It is submitted by learned counsel for the petitioner
that petitioner is quite innocent and he has committed no
offence. No such occurrence as alleged ever took place. 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. He has no any concern with the alleged occurrence. There is no recovery of looted sum from the possession of the petitioner or from his house. His name has been transpired in the present case merely on the basis of 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 opposes the prayer for bail and relies upon the judgment of the Apex Court in the case of ***Indresh Kumar v/s. The State of UP & Anr.*** passed in Criminal Appeal No. 938 of 2022.

6. Considering the facts and circumstances of the case as well as the ratio laid down in the case of ***Indresh Kumar v/s. The State of UP & Anr.***, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

7. Accordingly, this application stands dismissed.

(Anjani Kumar Sharan, J)

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