

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26795 of 2024

Arising Out of PS. Case No.-183 Year-2022 Thana- BIDUPUR District- Vaishali

Rohit Kumar @ Gandhi Son of Pappu Singh @ Snajiv Kumar Resident of
Village- Dilawarpur (West), P.S.- Biddupur, Dist.- Vaishali, Bihar

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Chandra

For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-04-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. Petitioner is apprehending his arrest in connection with
Bidupur P.S. Case No.183 of 2022, registered for the offence
punishable u/s 392 of the IPC.

3. As per the prosecution case, three miscreants intercepted
the informant in his way and on the point of pistol, snatched
cash of Rs.25960/-, mobile and 55 piece mobile phones, which
the informant used to sell in his mobile shop, worth
Rs.9,50,000/-.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence.
He is not named in the F.I.R. and has been falsely implicated in
this case due to ulterior motive. During investigation, one co-
accused was apprehended by the police and he disclosed the



name of the petitioner. No incriminating article has been recovered from the conscious physical possession of the petitioner and petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that the name of the petitioner has transpired in this case on the confessional statement of the co-accused and the Apex Court in the case of ***Indresh Kumar v/s The State of UP & Anr. In Criminal Appeal no.938 of 2022***, has held that statements made under section 161 Cr.P.C. are relevant in considering the prima facie case against an accused in an application for grant of bail in the case of grave offence. It is further submitted that the anticipatory bail of a similarly situated co-accused was dismissed by this Court vide order dated 25.08.2023 passed in Cr. Misc. No.49640/2023.

6. Considering the aforesaid facts and circumstances and the nature of allegation, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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