

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22116 of 2024

Arising Out of PS. Case No.-28 Year-2022 Thana- ROSHANGANJ District- Gaya

CHOTTU YADAV @ SACHU KUMAR YADAV @ SACHU YADAV S/O
DIPAN YADAV R/O VILLAGE- MEGHANADIH, P.S- RAUSHANGANJ,
DISTT.- GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan

For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-04-2024 Heard learned counsel for the parties.

2. Petitioner is apprehending his arrest in connection with Raushanganj (Bankebazaar) P.S. Case No.28 of 2022, registered for the offence punishable u/s 392 of the IPC.

3. Allegedly, three miscreants dashed the bike of the informant and on the point of fire arms, snatched away Rs.80,000/- and mobile phone of the informant.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence. He has been falsely implicated in this case due to ulterior motive. The name of petitioner transpired in this case on the confessional statement of the co-accused namely Alok Kumar and Harendra Yadav, with whom, petitioner has inimical terms. No incriminating article has been recovered from the conscious physical possession of the petitioner. Petitioner has two criminal



antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that 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.

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.

8. However, petitioner is at liberty to surrender before the learned Court below within a period of six weeks and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law, keeping in view the order passed by the Apex Court in the case of **Satendra Kumar Antil v/s. Central Bureau of Investigation & Anr.** as reported in **(2022) 10 SCC 51**.

(Anjani Kumar Sharan, J)

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