

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 30144 of 2024

Arising Out of PS. Case No.-309 Year-2023 Thana- VIJAYEPUR District- Gopalganj

Sanjeet Kumar Pandey @ Sanjeet Pandey S/O Ashok Pandey @ Ashok Kumar Pandey R/O Village- Deoria, P.S- Rivilganj, Distt.- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr. Jitender Kr. Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 18-10-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Vijaypur P.S. Case No. 309 of 2023 for the offence under Section 398 of the Indian Penal Code lodged on 03.10.2023 by the informant, Raju Verma.

3. As per the prosecution story, the informant who owns the Bidhyawasini Abhushan Bhandar at Musehari Bazar, Gopalganj alleged that on 03.10.2023, the accused persons barged into the shop and on the point of pistol, looted the articles. As the locals assembled and started pelting bricks and stones, they fled towards Bhorey. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that in the present case, the name of the petitioner has come in the



confessional statement which is an extrajudicial confession having no meaning in the eyes of law. He has been wrongly implicated in this case and the police has deliberately made him accused, despite the fact that Amarjit Kumar never gave the name of this petitioner.

5. Learned APP for the State opposes the prayer and has taken this Court to the order of the learned Sessions Judge to show that para 53 of the original case diary clearly shows the statement of the co-accused Amarjit Kumar in which he has given the role of the petitioner as an active person in the said occurrence. It is a submission that nowhere in the petition, the said fact has been disputed. The last submission of learned APP is that Prince Kumar @ Prince Bharati who has also been named an accused, his anticipatory bail stands rejected in Cr. Misc. No. 24856 of 2024.

6. Taking into account the fact that the accused persons tried to storm the jewellery shop, it was immediate response of the locals that they had to retreat, learned Sessions Judge has clearly taken note of para 53 of the case diary to show that the name of the petitioner has been confessed by the co-accused, Amarjit Kumar when the CCTV footage was shown to him, in that background, no case of anticipatory bail is made out.



7. This Court is not inclined to extend the privilege of anticipatory bail to the petitioner, which is accordingly rejected.

(Rajiv Roy, J.)

sadique/-

U		T	
---	--	---	--

