

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46099 of 2024

Arising Out of PS. Case No.-179 Year-2022 Thana- DUMARIAGHAT District- East
Champaran

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Jamshed Ansari @ Jamshed Alam Son Of Md. Makbool Ahmad @ Md.
Maqbool Ahmad @ Maqbool Ansari Village- Jussaini, P.S.- Dumariya Ghat,
Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Prasad

For the Opposite Party/s : Mr. Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Dumariya
Ghat P.S. Case No. 179 of 2022 registered for the offences
punishable under Section 394 of the Indian Penal Code.

3. As per the prosecution case, when the informant
was returning from Motihari from Gopalganj on his
motorcycle, in the way, four persons on two motorcycle
surrounded him and tried to snatch his motorcycle. When the
informant objected, the said persons gave knife blow in the
back and thigh of the informant and snatched motorcycle and
mobile of the informant.

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 is not named in the F.I.R., his name transpired in this case on the basis of confessional statement of co-accused Navin Kumar. The petitioner has got five criminal antecedents as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for anticipatory bail. 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 and the ratio laid down by Hon’ble Apex Court 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.

(Anjani Kumar Sharan, J)

anand/-

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