

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48201 of 2023

Arising Out of PS. Case No.-275 Year-2018 Thana- KHAGARIA District- Khagaria

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SUMAN KUMAR Son of Yogendra Mahto Resident of village - Khadiyahi,
Pokhar, P.S. - Bibhutipur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s: Mr. Dilip Kumar No.1, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-02-2024 Heard Mr. Mirityunjay Kumar, learned counsel for the

petitioner as well as Mr. Dilip Kumar No.1, learned APP for the

State.

2. The petitioner apprehends his arrest in connection with
Khagaria (Muffasil) P.S. Case No.275 of 2018, registered for the
offence punishable under Section 394 of the Indian Penal Code.

3. Allegedly, the petitioner and other accused is said to
have snatched the keys of the vehicle of the informant and also
took Rs.8000/- and two mobiles from him.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case due to his previous crim-
inal antecedent. No such occurrence, in the manner as alleged,
has ever taken place. The allegation levelled against the peti-



tioner is not specific rather general and omnibus in nature. He submits that no T.I. parade is conducted by the police in the present case. He submits that the petitioner is not named in the FIR, his name transpired in the present case on the basis of confessional statement of apprehended co-accused. Petitioner has one criminal antecedent of similar nature of offence.

5. Learned APP for the State opposed the prayer for anticipatory bail. He further submits that the name of the petitioner has transpired in the present case on the basis of confessional statement of co-accused. In this regard the ratio laid down by the Apex Court in the case of **Indresh Kumar vs. State of Uttar Pradesh in Cr. APP. No.938 of 2022** may also be taken into consideration in which it has been observed that the statements made under Section 161 of Cr.PC. are relevant in considering the *prima facie* case against an accused in an application for grant of bail in cases of grave offence.

6. Having regard to the facts and circumstances of the case as the petitioner has one criminal antecedent of similar nature, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. Accordingly, this application is dismissed.



8. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day in accordance with law.

(Anjani Kumar Sharan, J)

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