

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53262 of 2024

Arising Out of PS. Case No.-795 Year-2023 Thana- ARA NAGAR District- Bhojpur

Sonu Mahto @ Sone Lal Mahto SON OF MOTILAL MAHTO @ MOTI LAL
MAHTO VILLAGE- IBRAHIMNAGAR, PS- ARA TOWN, DIST-
BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Adv.

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-08-2024 Heard learned counsel for both the sides.

2. Petitioner is apprehending his arrest in connection with Ara Town P.S. Case No.795 of 2023, registered for the offence punishable u/s 341, 342, 323, 379, 385 and 386 of the IPC.

3. As per the prosecution case, on the instruction of Mantu Kahar, the F.I.R. named accused persons assaulted the informant and snatched his licensed gun and Rs.50,000/-. Thereafter, the accused persons brutally assaulted him and his video holding a gun was forcibly captured. It is further alleged that they abducted the informant and demanded ransom but somehow, he escaped.

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. The name of petitioner transpired in this case on the basis that the snatched revolver of the informant was recovered from the possession of co-accused, who disclosed that the same was given to them by the petitioner. It is submitted that no incriminating article has been recovered from the conscious physical possession of the petitioner. Petitioner has one criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that there is allegation against the petitioner 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 the 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.

(Anjani Kumar Sharan, J)

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