

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82432 of 2023

Arising Out of PS. Case No.-344 Year-2023 Thana- MAHUA District- Vaishali

SUBODH KUMAR @ SUBODH RAI @ SUBODH RAY SON OF
SIYALAL RAI RESIDENT OF VILLAGE MADHOUL, POLICE STATION
MAHUA, DISTRICT VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Prasad

For the Opposite Party/s : Mrs. Anita Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-01-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner apprehends his arrest in connection with
Mahua P.S. Case No.344 of 2023, registered for the offence
punishable under Section 461, 379, 411, 413 and 414 of the
Indian Penal Code.

3. Allegedly, some unknown persons committed theft in
the shop of the informant and stole several articles.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and have committed no offence. He
has been falsely implicated in this case. No such occurrence, in
the manner as alleged, has ever taken place. The allegation
levelled against the petitioner is not specific rather general and



omnibus in nature. There is no recovery from the conscious possession of the petitioner. He submits that the FIR has been lodged against unknown persons and petitioner's name transpired in the present case on the basis of confessional statement of apprehended co-accused Suraj Kumar Manjhi. He further submits that the petitioner is working as a driver in Uber company situated at Kolkata and he was present at Kolkata at the time of alleged occurrence. Petitioner has no criminal antecedent.

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 Suraj Kumar Manjhi. 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, 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.

(Anjani Kumar Sharan, J)

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