

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82531 of 2023

Arising Out of PS. Case No.-2 Year-2023 Thana- KHODAWANDPUR District- Begusarai

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DHANANJAY KUMAR @ BIHARI SAH S/O RAM PADARATH SAH @
RAM PADARATH SAHU R/O VILLAGE- BARA, P.S-
KHODAWANDPUR, DISTT.- BEGUSARAI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Khodawandpur P.S. Case No. 02 of 2023 registered for the offences punishable under Section 392 of the Indian Penal Code.

3. The prosecution case, in brief, is that, on 29.12.2022 at about 19.20 hrs. when the informant was going to his house from Daulatpur, he was intercepted by four unknown persons, who snatched one vivo mobile, one general mobile of Samsung, one general mobile of Nokia as well as a wallet, documents of the motorcycle, Pan Card and ATM cards from his possession on point of pistol.



4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner is not named in the FIR. His name has been transpired in the present case merely on the basis of the confessional statement of the apprehended co-accused, namely, Md. Nayaj which has no evidentiary value in the eye of law. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail and relied upon the judgment of *Indresh Kumar v/s. The State of UP & Anr.* reported in Criminal Appeal No. 938 of 2022 in which it is laid down that the statement under Section 161 of 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. Having regard to the facts and circumstances of the case as well as nature of the offence, I am not inclined to enlarge him on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.



7. However, if petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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