

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82418 of 2023

Arising Out of PS. Case No.-228 Year-2022 Thana- KUDHNI District- Muzaffarpur

MD. JAVED SON OF MD. SARFUDDIN R/O VILLAGE-
MOHAMMADPUR MOBARK, P.S.- MANIYARI, DISTICT-
MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Jyotsna Rani Mishra

For the Opposite Party/s : Mr. Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-01-2024 Heard the parties.

2. The petitioner apprehends his arrest in connection with Kudhani P.S. Case No.228 of 2022, registered for the offence punishable under Section 395 of the Indian Penal Code.

3. The allegation against the petitioner is that he along with other accused persons assaulted the informant and snatched his purse and mobile and other 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 petitioner is not



named in the FIR, his name transpired in the present case on the basis of confessional statement of apprehended co-accused Kunal Kumar. 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 Kunal Kumar. 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 well as considering the nature of offence, 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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