

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83846 of 2023

Arising Out of PS. Case No.-639 Year-2022 Thana- WAJIRGANJ District- Gaya

Rehan Manjhi @ Rohit Kumar Son Of Shivgovind Manjhi R/O Village-
Pathra, P.S.- Magadh University, District- Gaya. At Present R/O Village-
Shekhwara, P.S.- Magadh University, Bodh Gaya, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate
Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-01-2024 Heard learned Senior Counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in Wazirganj
P.S. Case No. 639 of 2022 registered for the offences punishable
under Sections 395, 397 of the Indian Penal Code pending in the
Court of learned A.C.J.M.-1st, Gaya.

3. As per the F.I.R., allegation against the
petitioner is that he along with other co-accused hired
informant's vehicle on rent and when they reached on a
desolated place they told to stop the vehicle and by means of
pistol they tied black *Gamcha* on the eye of the informant and
doffed him from the vehicle and fled away taking vehicle.

4. Learned Senior Counsel for the petitioner submits



that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the petitioner is not named in the FIR, only on the basis of confessional statement of the co-accused, petitioner has been made accused in the present case. The petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State vehemently opposing the bail petition submitted that the petitioner is also involved in the present case. He also relied upon the judgment of the Hon'ble Apex Court in the case of ***Indresh Kumar vs. The State of UP & Anr. (Criminal Appeal No. 938 of 2022)***, whereby the Court has held that 'Statements under Section 161 of the 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. Considering the facts and circumstances of case and the judgment of Hon'ble Apex Court passed in the case of ***Indresh Kumar*** (supra), I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, if the petitioners surrender before the



learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order, considering the fact that the petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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