

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72598 of 2023

Arising Out of PS. Case No.-281 Year-2022 Thana- KHIJARSARAI District- Gaya

ROCKY @ ROCKY KUMAR SON OF JAYRAM RAM @ JAY RAM
SINGH @ PRADEEP CHAUDHARY RESIDENT OF VILLAGE -
HARBANSHPUR, PANCHLOVA, POLICE STATION - ISLAMPUR,
DISTRICT - NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ujjawal Kumar Singh

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 30-11-2023 Heard the parties.

2. The petitioner apprehend his arrest in connection with Khizerasarai P.S. Case No. 281 of 2022, registered for the offence punishable under Sections 395 and 414 of the Indian Penal Code.

3. The allegation against the petitioner is that he along with other co-accused assaulted the informant and snatched bike key, a purse containing documents and a bag containing clothes, mobile phone and cash of Rs.2000/- from him.

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 specific overt act against the petitioner. He further submits that the name of the petitioner transpired in the present case on the basis of confessional statement of co-accused. 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 Md. Shamshad Alam. 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. This application is, accordingly, dismissed.

8. However, if the petitioner surrenders before the learned



Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day, in accordance with law considering that the petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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