

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51904 of 2016

Arising Out of PS.Case No. -742 Year- 2014 Thana -ARARIA District- ARARIA

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Mithilesh Mishra @ Mithilesh Kumar Jha, Son of Rudranand Jha @
Fuchchi Jha @ Rudranand Mishra, resident of village - Dimha, Police
Station Tarabari, District - Araria

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ramesh Kumar Singh, Advocate.

For the Opposite Party : Mr. Uday Chand Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-12-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Araria P.S. Case No. 742 of 2014 for the offences instituted
under Section 379 of the IPC.

The prosecution story, in brief, is that from the office of
Electric Supply Sub Division, Araria, some unknown miscreants
after breaking the locks of rooms, committed theft of computer,
printer, U.P.S. extension electric board etc.

It has been submitted on behalf of the petitioner that the
petitioner has been made accused in the present case due to
mistake of fact. He is not named in the FIR. There is no recovery



of any incriminating article from possession of the petitioner. There is no allegation of tampering with the witnesses alleged against the petitioner.

On behalf of the State, it has been submitted that the petitioner has been made accused on the basis of confessional statement of co-accused Kundan.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Araria P.S. Case No. 742 of 2014, pending in the court of learned C.J.M., Araria. Anyhow, if the petitioner surrenders in the court below the same shall be considered on its own merit without being prejudiced the order of this Court preferably on the same day.

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(Sudhir Singh, J)

