

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39383 of 2016

Arising Out of PS.Case No. -67 Year- 2013 Thana -BAKHRI District- BEGUSARAI

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1. Mukesh Kumar Son of Ram prakash Rai R/o Vill.- Kumaharsho p.s.-
Gadhpura District-Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey

For the Opposite Party/s : Mr. Sri Arun Kumar Singh -5

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 16-11-2016

Heard both sides.

The petitioner apprehends his arrest in Bakhri P.S.
Case No. 67 of 2013, registered for the offences punishable under
Section 379 of the Indian Penal Code.

The informant lodged the case against unknown for
theft of his motorcycle bearing Registration No. BR 9G 5702.

Learned counsel for the petitioner submits that the
petitioner is not named in the FIR. Nothing has been recovered
from the possession of the petitioner. The petitioner was
apprehended in Garhpura P.S. Case No. 35/2013 and only on
account of his confession made in the said case he has falsely been
implicated in the present case, *but* it appears from perusal of the
case diary that the petitioner was apprehended along with Jitendra

Kumar @ Jeetu and Hitlar Kumar and on the basis of which the parts of stolen motorcycle was recovered from the house of Jitendra Kumar @ Jeetu. From the possession of the petitioner arms and ammunitions was recovered. The petitioner confessed his guilt. It appears that Hitlar Kumar, other co-accused have also confessed his guilt and disclosed the entire facts that how the motorcycle of the informant was stolen. Nand Kishore Yadav and Sanjay Mahto were apprehended and from their possession country made pistol etc., were recovered and one motorcycle was recovered in connection with Bakhri P.S. Case No. 112/2013. The stolen motorcycle is found to be subject-matter of Bakhri P.S. Case No. 67/2013, the present case.

Considering the facts aforesaid and the fact that the petitioner and other accused persons are indulged in such act of committing theft of motorcycle, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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