

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39079 of 2023

Arising Out of PS. Case No.-566 Year-2022 Thana- MADHAURAH District- Saran

MITHLESH KUMAR S/O LATE SOHAN SHAH R/O Village- Marhowrah
Khurd, P.S- Marhowrah, Distt.- Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sachida Nand Rai, Advocate Mr. B. N . Mishra, Advocate
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-08-2023 Heard learned counsel for the petitioner and the
State.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 379, 411 of the Indian
Penal Code.

3. Prosecution case is that on 27.08.2022 at 04:00
A.M, informant on the basis of telephonic information
conducted a raid on the place of occurrence and found that this
petitioner along with other co-accused were stealing iron from
Sugar Mill Marhowrah and were loading it on Pick Up van , in
the meantime, when police party arrived on the spot, all the
accused persons fled away.

4. It is submitted that petitioner has falsely been



implicated in this case. Petitioner has not committed any such offence. In fact the alleged material were recovered from the spot and as such no theft was committed. At best, only attempt was made to commit theft.

5. However, learned counsel for the State opposes the prayer for bail and submits that petitioner is named in the F.I.R and there is specific allegation against petitioner that he along with other co-accused persons tried to steal the iron from the sugarcane mill and were found loading the same on the pick up van and also the alleged materials were recovered from the spot.

6. Considering the nature and gravity of allegation, prayer for pre-arrest bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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