

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78397 of 2024

Arising Out of PS. Case No.-255 Year-2024 Thana- UDAKISHUNGANJ District-
Madhepura

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Mukesh Kumar @ Mukesh Yadav s/o Madan Yadav @ Madan Ray R/o
Village- Barahi, Ward no 13, PS- Udakishunganj, District- Madhepura
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vikash Kumar Singh, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 04-12-2024 1. Heard learned Counsel for the petitioner and

learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail,
arises out of Udakishunganj Police Station Case No. 255 of
2024, disclosing offences punishable under Sections 33(2),
317(2), 3(5) of B.N.S. Act, 2023.
3. The prosecution case, as per the First Information
Report, is that on 02.08.2024 while the informant was on night
patrolling duty, he heard halla regarding theft of battery of
electric auto. During search, police party saw that three persons
had left something at the back of house of Arun Yadav at Ward
No. 13 and tried to flee away, out of whom, one person was
apprehended, who disclosed his name as Chintu Kumar and also
disclosed the names of absconded accused persons and
petitioner is one of them. Upon search, one blue colour Eastman



Company 12 Volt Super Premium battery has been recovered.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to dirty village politics. He further submits that there is general and omnibus allegation of theft of battery of electric auto against the accused persons including the petitioner. He also submits that aggrieved Bikash Kumar whose battery of electric auto has been stolen, has not made any complaint, anywhere. The petitioner is having clean antecedent.

5. Having regard to the submissions advanced on behalf of the parties and taking into consideration the fact that petitioner's name has been surfaced in this case on the basis of disclosure made by the apprehended co-accused Chintu Kumar, from whose possession, the said stolen battery was recovered, as is evident from seizure list, I am not inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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