

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2985 of 2025

Arising Out of PS. Case No.-48 Year-2021 Thana- MAHKAR District- Gaya

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Jitendra Malakar @ Jitendra @ Bhui Malakar S/o- Late Sugriv Malakar
Village- Saraiya P S-Muffasil District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar , Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 31-01-2025 Heard learned counsel for the petitioner and the

State .

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

3 . As per the prosecution case , on the alleged date
and time of occurrence, while informant's pick up van was on
way to *Biharsharif* from *Gaya*, in the meantime this petitioner
along with other co-accused persons took away the vehicle of
informant and got unloaded 3150 kilograms oil worth Rs. 1 lakh
and after unloading the same they fled away with the vehicle

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case . No incriminating article has been recovered from the



possession of the petitioner rather Oil loaded on the vehicle has been recovered from the *Aanganbari* center, *Saraiya* . They have not been arrested on the spot.

5 . Learned counsel for the State opposes the prayer for bail and submitted that petitioner is named in the F.I.R. During course of investigation , it has come that this petitioner helped the driver of the vehicle to get rid of from mud in a ditch . It is further submitted that from bare perusal of paragraph 17 of the case diary , seizure list of recovered articles is available which also corroborates the prosecution case against this petitioner. Petitioner has got one criminal antecedent.

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

(Prabhat Kumar Singh, J)

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