

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5735 of 2025

Arising Out of PS. Case No.-93 Year-2024 Thana- KEWATI District- Darbhanga

Mukesh Kumar @ Mukesh Yadav S/O Hirday Roy R/O Vill.- Jahangirpur,
Salkhanni,P.S- Mahua,Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagjit Roshan, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, App.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 23-07-2025 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 Keoti Police Station Case No. 93 of 2024,
disclosing offences under Sections 363, 365 of the Indian Penal
Code.

3. As per the prosecution case, the informant states
that his younger son, Jogendra Kumar @ Raja, was working as a
Poclain machine driver in Shankarpur, Vaishali, from
13.12.2023, along with the present petitioner who had called
him for the job. Since 09.02.2024, the informant's son went
missing, and his phone was switched off. Despite efforts, the
family could not trace him. On visiting Shankarpur on
21.02.2024, the accused, including the petitioner, allegedly



misled them. It later came to light through a friend that petitioner used to steal diesel from the machine and had disputes with the informant's son. The owner of the Poclain, Pappu Yadav, had not paid wages for over two and a half months. The informant suspects that his son may have been murdered and buried, and that the named accused might be involved.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case based on the informant's presumptions and apprehensions. The allegations are general and omnibus in nature and petitioner has not committed any specific overt act. There is no independent or corroborative evidence linking the petitioner to the alleged offence. He next submits that there was an unexplained delay of nearly 30 days in lodging the FIR and over two months in forwarding it to the court. The police investigation has not found anything incriminating against the petitioner, and no eyewitness supports the prosecution's version. He further submits that petitioner had cordial relations with the victim and no prior enmity was there between the petitioner and the victim. He further submits that the court below rejected his bail mechanically without proper appreciation of facts.

5. I have heard learned counsel for the parties and



have perused the impugned order. The victim is still traceless. Petitioner is named in the FIR. Petitioner is not supporting the police in investigation as would be evident from the case diary.

6. Considering the aforesaid and gravity of offence, I am not inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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