

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84691 of 2025

Arising Out of PS. Case No.-364 Year-2013 Thana- BIHTA District- Patna

Mukesh @ Malo @ Baba @ Mukesh Kumar @ Malo Baba Son of Mahendra
Yadav R/o Village - Patuana, P.S.- Biharsharif, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar, Adv.

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 23-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Bihta P.S. Case No. 364 of 2013 dated 23.06.2013 registered for the offences under Sections 395 and 412 of the I.P.C.

3. As per prosecution case, on 17.06.2013, when the Informant along with the helper (Khalasi) was going to Patna by truck loaded with *jeera* and other articles, on the way, a white Scorpio chased his truck, surrounded him and pulled them from the truck. The accused persons, showing themselves to be the sales tax personnel, made them sit in the car and took them to an orchard at Bihta and tied both of them to a separate tree. They also threatened them not make any noise otherwise they would



be shot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the instant case. The petitioner is not named in the F.I.R. and his name has transpired in this case on the basis of the confessional statement of the co-accused Pintu @ Vivek Kumar with whom there is a previous enmity of the petitioner. There is no independent witness to the alleged occurrence. It is next submitted that nothing incriminating has been recovered from the constructive possession of the petitioner. Lastly, it is submitted that the petitioner has two criminal antecedents and, in both of them, he is on bail.

5. Learned APP for the State opposed the prayer for bail.

6. Looking to the nature and gravity of the allegation, the antecedents of the petitioner, the F.I.R. having been registered in the year 2013 and the instant anticipatory bail petition being filed after twelve years without there being any plausible explanation for such delay, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner is, hereby, rejected.



8. If the petitioner surrenders before the court below within a period of three weeks from today and prays for regular bail, the same would be considered by the court below in accordance on the same day itself, if possible.

(Ajit Kumar, J)

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