

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44924 of 2014

Arising Out of PS.Case No. -6 Year- 2014 Thana -KUCHILA District- BHABHUA (KAIMUR)

1. Harendra Kumar S/o Chandeshwar Mahto Resident of Village Shahpur,
P.S. Shahpur, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Kanhaiya Kishore(App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 04-03-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody since 13.07.2014 in
connection with Kucchila P.S. Case No. 6/14 for the offence
registered under Sections 394, 302, 201/34of the IPC.

The allegation against the petitioner is that he had
been found to be in possession of the trailor of the stolen tractor of
the deceased and the same was recovered from his possession.

It has been alleged in the FIR by the informant that
his son Tribhuwan Pal (deceased) had been plying his tractor by
collecting sand which he used to deliver to several parties. It is
alleged that one day while he had gone to unload sand at village
Gara, he spoke to his wife that he would be returning after



unloading sand. But after a long gap of time, he did not either ring back or pick up the phone, the wife of the deceased became suspicious and informed the informant. The informant tried on phone and having failed to find any trace of his son, he returned home. Later, on 9.3.2014, the son of the informant, namely Tribhuwan Pal was found dead by throttling with the help of towel.

Learned counsel for the petitioner submits that the FIR in the present case has been instituted against un-known persons and thereafter, police conducted investigation in which arrest were made.

Learned counsel for the petitioners further submitted that during the entire investigation not a single witness took the name of the petitioner but all of a sudden on the basis of confessional statement made by the co-accused Nand Kishore, the petitioners name has come in the context of the present case.

It is further submitted that from the said confessional statement, it emerges that these petitioners had obtained/purchased the trailer which used to carry the sand as he had been conducting the business of carrying garbage from AIIMS, Patna. Since the recovery of the said trailer was made from the possession of the petitioner from the Brick kiln where his tractor and trailer had

been hired, the petitioner has been arrested and is languishing in jail.

Learned counsel for the petitioner further submits that the petitioner was completely unaware from where this trailer had come and that he has no criminal antecedent and he has been languishing in jail due to some remote allegation in connection with the present case.

Considering the fact that apart from the confessional statement, there is no other cogent material to connect the petitioner the period of custody and clean antecedent, let the above named petitioner be released on bail on his furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhabhua (Kaimur) in connection with Kucchila P.S. Case No. 6 of 2014.

(Anjana Mishra, J)

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