

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25731 of 2015

Arising out of PS.Case No. -209 Year- 2014 Thana -DHAKA District- EAST
CHAMPARAN(MOTIHARI)

Chhotan Rai, Son of Kishore Rai, resident of Village-Basahia, P.S.- Dhaka
(O.P. Pachhpakari), District- East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Shakil Ahmad Khan, Advocate.

For the Opposite Party : Mr. Gulnar Begum (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-09-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is apprehending his arrest in connection with
Dhaka (Pachhpakari) P.S. Case No. 209 of 2014 for the offences
instituted under Section 414 of the IPC.

The prosecution story, in brief, is that on 29.11.2014 at
about 18.10 P.M., the informant of Paharpur Police Station
alongwith the Police Party went to Pachhpakari O.P. for verification
of Paharpur P.S. Case No. 309/2014 dated 23.11.2014 under
Sections 341, 342, 395 of I.P.C. and 27 of the Arms Act in which
a loot was made of a tractor. During the course of search, a tractor
was recovered from the door of the accused Chhotan Rai, resident



of Village-Basahia, P.S. Dhaka(O.P. Pachpakari), District-East Champaran, without registered bearing Engine No. S318-1/10317 and Chassis No. PF07 Red Colour Massey Ferguson Tractor. It is further alleged that when the police of Paharpur P.S., reached at Pachpakari O.P. and registered a Sanha No. 545/2014 dated 29.11.2014 then for the aforesaid tractor, the police demanded papers and thereafter noticed to the petitioner on 14.12.2014 for verification of the tractor and no satisfactory answer has given by the petitioner or his family members and on 29.11.2014 the petitioner left his house. It seems to be the said tractor was a stolen tractor. Thereafter, the police has made a seizure list before the two independent witnesses and seized the aforesaid Tractor.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is further submitted that the petitioner has been made accused in the present case due to mistake of fact. As per the F.I.R., the tractor in question is said to have been recovered from the front of the house of the petitioner as to when the seizure list which is Annexure-2 to the present application shows that the same has been recovered from Pachpakari O.P. Campus.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of four weeks from today in connection with Dhaka (Pachpakari) P.S. Case No. 209/2014 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., East Champaran at Motihari, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)