

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13695 of 2016

Arising Out of PS.Case No. -324 Year- 2015 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

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1. Subodh Mahton son of Dasai Mahto, Resident of village- Khalilpur, P.S.-
Karja, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Shailendra Kumar Singh (App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 24-05-2016

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner is languishing in jail custody since
26.08.2015 in a case registered for offences punishable under
Sections 395 and 412 of the I.P.C.

The prosecution case, in brief, is that on 25.08.2015
at about 1 P.M. (Night) the informant , Kanahiya Tanti, a driver
of tractor bearing No. BR09H-6777 was taking away sand from
Chakiya to Neemachandpura and when he reached near Shushil
Nagar N.H.-31 at 2 P.M., a white colour Bolero over took and
stopped his tractor and four persons got down from that Bolero
and forcibly got down the informant from his tractor and fled
away with tractor towards Zeromile. The culprits forcibly seated
him in the Bolero and snatched his mobile having SIM No.
8674960826 and Rs. 700/- cash and left after tying his hand near

Shahpur Dhala. It is further alleged that any how the informant informed his owner and Bachhwara Police and recovered the looted tractor with tailor.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent, having no criminal history, as is evident from para-3 of this application and in his confessional statement before the police, he admitted his guilt. He further submits that he was a driver of the said tractor and trailer and no case under Sections 395 and 412 of the I.P.C. is made out against him.

However, learned A.P.P. for the State submits that the petitioner was caught red handed and confessed his guilt and also named in the F.I.R., hence, opposes the prayer for bail.

Considering that the tractor has been seized as also the period of custody, the above named petitioner, Subodh Mahto is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai (Muffasil) in connection with Begusarai P.S.Case No. 324 of 2015.

(Nilu Agrawal, J)

Sudha/-

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