

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53019 of 2016

Arising Out of PS.Case No. -17 Year- 2015 Thana -AJIMABAD District- BHOJPUR

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1. Mahendra Mali, S/o Rajendra Mali, Resident of Vill- Nathmalpur, P.S.-
Barhara, Dist- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-12-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Ajimabad P.S.Case No.17 of 2015 for the offences alleged under
Section 379 of the Indian penal Code.

The prosecution case, as lodged by the informant, is
that his Mahendra red color tractor was parked outside his house
which was always parked there since last many years but in the
morning he found his tractor missing. F.I.R. was lodged against
unknown.

It has been submitted by the learned counsel for the
petitioner that he is not named in the F.I.R. and has been falsely
implicated on the confessional statement of co-accused,Deepak



Kumar, which has no evidentiary value in the eye of law. It has further been submitted that that since the petitioner is involved in similar offence in the past, hence the petitioner has been made accused. He submits that nothing has been recovered from his possession.

However, learned A.P.P. submits that during investigation the name of the petitioner has surfaced, hence , opposes the prayer for bail.

Be that as it may, considering the facts and circumstances of the case and submissions of the parties, let, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Bhojpur at Ara, in connection with Ajimabad P.S.Case No. 17 of 2015, subject to the conditions that one of the bailor must be a close relative and the other bailor must have sufficient immovable property within the jurisdiction of concerned court and that the petitioner must appear before the court below on each and every date during trial and on failure to appear on two consecutive dates, he will be liable for cancellation of his bail bonds.

(Nilu Agrawal, J)

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