

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39947 of 2017

Arising Out of PS.Case No. -242 Year- 2017 Thana -BIHTA District- PATNA

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1. Basant Yadav Son of Late Harihar Yadav, resident of Village-
Nanhubigha, Police Station- Goh, Bandeya, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-09-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
25.04.2017 in a case registered for the offences punishable under
Section 394 of the Indian Penal Code and after recovery of stolen
tractor, Section 412 of the Indian Penal Code has been added.

The prosecution case is that while the informant had
gone at Khagaul – Bihta main road with tractor, suddenly four
miscreants forcefully snatched his tractor and fled away.

It has been submitted by the petitioner that he is
innocent and not named in the F.I.R., there is no criminal history
and has been falsely implicated in the aforesaid case He further
submits that only on the confessional statement of one Subhash
Malakar that his name surfaced, which has no evidentiary value in



the eye of law and said Subhash Malakar has already been granted privilege of bail in Cr. Misc. No. 37314 of 2017 dated 18.08.2017.

It is submitted that the petitioner has been alleged to be bonafide purchaser of the tractor by the said co-accused, who was his acquaintance and he did not know that it was stolen tractor, hence no offence is made out against him. It is further submitted that no T.I.P. has been done so far and that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and materials on record, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur, Patna in connection with Bihta P.S.Case No. 242 of 2017,subject to the conditions that one of the bailors would be close relative of the petitioner.

(Nilu Agrawal, J)

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