

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50756 of 2017

Arising Out of PS.Case No. -6 Year- 2017 Thana -CHAKAMHESI District- SAMASTIPUR

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Awadhesh Kumar Rai, son of Sri Bineshwar Rai, resident of Village-
Malinagar Simri, P.S.- Chakmehohi, District- Samastipur.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner/s : M/s Ajay Kumar Thakur, Shashank
Shekhar & Babita Kumari, Advocates

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

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**
ORAL ORDER

04 20-12-2017

Heard learned counsel for the petitioner, learned
counsel for the victim (owner of the tractor) and learned APP for
the State.

The petitioner seeks bail in Chakmahesi P.S. Case
No. 06 of 2017 registered under Sections 414, 468 and 471 of the
Indian Penal Code.

As per the prosecution case, the tractor of the
informant is said to have been stolen by some unknown miscreants
and tyre of the said tractor was found fitted in the trailer of the
petitioner.

It is submitted by learned counsel for the petitioner
that the petitioner has no concern with the aforesaid occurrence.
He has been falsely implicated in this case. No incriminating
article has been recovered from his conscious physical possession.
As a matter of fact, the tyre which is said to have been recovered
from the trailer of the petitioner is hailing to him and he has



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purchased the same from M/s Classic Tyre on 18.06.2016 against the retail invoice. It is further submitted that the written invoice filed by the petitioner is printed one and bears the TIN No. of the firm and signature of the person issuing the said invoice and the same is genuine one as the printed invoice having the aforesaid description cannot be managed by the petitioner. Moreover the genuineness of the said invoice is subject matter of trial. The petitioner has been languishing in custody since 03.08.2017.

On the other hand, learned counsel for the victim (owner of the tractor) has submitted that the invoice which has been submitted by the petitioner have been found fake during the police investigation and the said tyre is stolen one and is hailing to the victim and the tractor of the victim is still traceless.

In the facts and circumstances of the case, the above named petitioner is directed to 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 the learned Additional Chief Judicial Magistrate-1st, Samastipur in connection with Chakmahesi P.S. Case No.06 of 2017.

Trivedi/-

(Prakash Chandra Jaiswal, J)

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