

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31136 of 2017

Arising Out of PS.Case No. -41 Year- 2017 Thana -KAHALGAON District- BHAGALPUR

Sachita Mandal @ Sachidanand Mandal, son of Kare Das (Mandal),
resident of village-Chanda, P.S.-Chausa, District-Madhepura

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Sri Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 13-07-2017 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection
with Kahalgaon (Ghogha) P.S. Case No. 41 of 2017 instituted for
the offences punishable under Sections 379 and 34 of the Indian
Penal Code and later on, Section 411 of the Indian Penal Code
was added.

The informant has alleged that in the evening of 26th
January, 2017, his truck bearing registration No. BR-10E-8783
and trailer bearing registration No. BR-10G-8242 were parked by
his driver at Moom Bhatta, Ghogha. On the following morning
i.e. on 27.07.2017 at 6 P.M. when his driver went at Bhatto found
his truck and trailer missing from there. The informant raised
suspicion that since few days, all the F.I.R. named accused used



to visit at Bhatta with tractors and since the theft of truck and trailer, they were not seen. Accordingly, the present case was registered on 27.01.2017 for the offence under Section 379/34 of the Indian Penal Code. It was submitted that they have been made accused merely on suspicion. The tractor and trailer in question were recovered on the same day in abandoned condition. The name of this petitioner appeared in the confessional statement of co-accused Raj Kishore Mandal and so, he deserves anticipatory bail.

Learned APP for the State opposed the submissions.

On perusal of F.I.R., it appears that the case was registered on 27.01.2017 at 19.30 hours, the truck and trailer were seized at Dev Fielding Station Petrol Pump, Akbarpur, P.S. Akbarpur, District- Purnea. The seizure was made at 18.00 hours on 27th January of 2017. It appears that after seizure of truck and trailer in question, the name of the petitioner appeared in the confessional statement of co-accused and there is no criminal antecedent against the petitioner.

In the aforesaid facts and circumstances, the anticipatory bail prayer is allowed. The petitioner, above named, in the event of arrest / surrender within six weeks from today, 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, Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case No. 41 of 2017, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sanjay Kumar, J)

ajaypd./-

U		T	
---	--	---	--

