

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30203 of 2018

Arising Out of PS.Case No. -60 Year- 2018 Thana -BARHARA District- BHOJPUR

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Mithlesh Bind, Son of Budhan Bind @ Budhan Mahto. resident of Village-
Babura, P.S.- Barhara, District- Bhojpur (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Sri Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 03-07-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Barhara Police Station Case No. 60 of 2018 registered an for offence punishable under section 379 of the Indian Penal Code (later on section 411 of the Indian Penal Code was added).

It has been submitted that in course of investigation, this petitioner was apprehended by Police who allegedly confessed his complicity in the crime and on his disclosure, the tractor in question was seized.

It has been submitted that except the concession of the petitioner, there is nothing against him. The tractor in question was seized at an open place (orchard) situated by the side of a road at



village Mahudahi, Police Station-Bihta which situates under different police station. The petitioner and informant are resident of same village and on account of local village politics, he has been implicated in the present case with false and frivolous allegation. The identification of this petitioner on the basis of CCTV footage is manipulated one and it has got no evidentiary value in the eye of law. The petitioner is in custody since 19.02.2018 having clean antecedent.

Considering the facts and circumstances of the case, the prayer for bail of the petitioner is allowed and he is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhojpur at Ara in connection with Barhara Police Station Case No. 60 of 2018, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Sanjay Kumar, J)

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