

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69302 of 2018

Arising Out of PS. Case No.-166 Year-2018 Thana- MOUZAHDIPUR District- Bhagalpur

BISHNATH MANDAL @ BISHWANATH MANDAL Son of Shambhu Nath
Mandal, Resident of Village-Jagdishpur, P.S. Jagdishpur, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar

For the Opposite Party/s : Mr. Sri Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 19-12-2018 The petitioner seeks bail in anticipation of his arrest in connection with Mujahidpur (Babarganj) P.S. Case No. 166 of 2018 dated 06.08.2018 instituted for the offences under Section 414 of the Indian Penal Code.

A supervisor in a Car Repair Company has lodged the F.I.R alleging that a person came with a car for repairs. When the documents of the car was demanded of him, he is said to have stated that he has not brought those documents. Somehow or other, the informant grew suspicion and telephonically called the registered owner of the vehicle. The registered owner of the vehicle told him that the car was at his house and he has not sent the same to the garage.



The informant was absolutely sure, thereafter, that the vehicle which was brought in the garage was a stolen property. In the meantime, the person who had come with the car managed to run away. The aforesaid person had, for his identification, given his identity card which disclosed the name of the petitioner (Bishwanath Mandal). Hence, the prosecution of the petitioner in the present case under Section 414 of the Indian Penal Code.

The learned counsel for the petitioner has submitted that the petitioner himself is without any clue as to how the informant could lay his hand on his identity card. It has, therefore been submitted that there is a possibility of the identity card of the petitioner having been misused. He has further submitted that even if the allegation in the F.I.R that the person concerned who had come with the stolen car ran away, is accepted to be *ex-facie* correct, the person concerned could not have been the petitioner as he is polio stricken. In support of the aforesaid contention, he has brought on record the disability certificate which contains that the petitioner is physically challenged by sixty percent.



Regard being had to the aforesaid facts and the clean antecedents of the petitioner, the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Mujahidpur (Babarganj) P.S. Case No. 166 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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