

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15240 of 2020

Arising Out of PS. Case No.-166 Year-2019 Thana- MUFFASIL District- Aurangabad

BINOD KUMAR YADAV S/o Ramchandra Yadav Resident of Village-
Bhusiya, Police Station-Pratappur, District-Chatara (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv.

For the Opposite Party/s : Ms.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 07-10-2020 Heard Mr. Anil Kumar, learned counsel for the

petitioner and Ms. Asha Kumari, learned A.P.P. through video

conferencing.

The petitioner apprehends his arrest in Muffasil P.S.

Case No.166 of 2019 registered under Section 379 of the Indian

Penal Code. Later on, Section 411 of the Indian Penal Code was

added after recovery of the stolen tractor.

The informant lodged the case against unknown

alleging therein that his tractor bearing registration No.BR-

26GA-3477 was parked in front of his house but some unknown

thieves committed theft of the tractor. The informant could not

locate the tractor even after hectic search.

The learned counsel for the petitioner submits that



petitioner is innocent and he has in fact committed no offence. The petitioner has not been named in the F.I.R. None of the apprehended accused disclosed the name of the petitioner. Nothing has been recovered from the conscious possession of the petitioner. From perusal of the seizure list(Annexure-2), it would appear that tractor was recovered from near the house of late Karu Yadav. Petitioner is not at all related with Karu Yadav. Petitioner has got no criminal antecedent and he deserves anticipatory bail but from perusal of the case diary, it appears that investigating officer got secret inputs about parking of the stolen tractor near the house of the petitioner. From perusal of para 90 of the case diary, it appears that police raided the house of the petitioner but petitioner was found absent. The stolen Mahindra 265 tractor bearing registration No.BR-26GA-3477 was recovered from near the house of the petitioner. On the trailer of the tractor, Binod Product Bhusiya was written. Therefore, it appears that stolen tractor is recovered from near the house of the petitioner.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, learned



court below shall consider the regular bail of the petitioner on its own merit without being prejudiced from the order of this Court.

(Prabhat Kumar Jha, J)

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