

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2565 of 2021

Arising Out of PS. Case No.-610 Year-2020 Thana- MADHEPURA District- Madhepura

INDU KUMAR SON OF DHRUV MAHTO RESIDENT OF VILLAGE-
PANCHMUKHI CHAUK, WARD NO 14, P.S AND DISTRICT
MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 16-06-2021 Heard Mr. Shekhar Kumar Singh, learned counsel

for the petitioner and Ms. Veena Kumari Jaiswal, learned

Additional Public Prosecutor appearing for the State through

video conferencing.

Petitioner seeks regular bail in connection with
Madhepura (Bharrahi) O.P. P.S. Case No. 610 of 2020 registered
for the offences punishable under Section(s) 395 of the Indian
Penal Code, 1860.

The allegation as per the First Information Report is
that the tractor of the informant which was being driven by his
driver, was intercepted by six unknown accused persons riding
on three Motorcycles and the tractor was looted away.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in this case merely on the basis of confessional statement of co-accused Mithilesh Kumar recorded by the Police and except that there is no material against the petitioner. Learned counsel further submits that the learned Sessions Judge-III, Madhepura, has rejected the bail application of the petitioner and has come to a finding which is an error of record inasmuch as the confessional statement of the petitioner did not lead to recovery of the tractor in question but the tractor was recovered on the basis of confessional statement of co-accused Mithilesh Kumar and after recovery of the said tractor, the petitioner was arrested by the Police. Learned counsel also submits that the petitioner has got no criminal antecedent and one of the co-accused whose name also transpired on the basis of confessional statement of co-accused Mithilesh Kumar, namely, Suman Kumar, has been granted bail by learned court below vide its order dated 25.9.2020 passed in B.P. No.550 Of 2020. Learned counsel next submits that the petitioner has got no criminal antecedent and he is in custody since 12.8.2020.

Having regard to the submissions made by the parties and taking into consideration the materials on record, the fact that the petitioner is in custody since 12.8.2020, he was arrested



after recovery of the tractor on the basis of confessional statement of co-accused and similarly situated co-accused has been granted bail by learned court below and petitioner has got no criminal antecedent, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular 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, Madhepura, in connection with Madhepura (Bharrahi) O.P. P.S. Case No. 610 of 2020.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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