

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19727 of 2020**

Arising Out of PS. Case No.-1173 Year-2016 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Phul Babu Owner @ Phul Babu Yadav S/o Surendra Rai Maa Janaki Agro
Agency, Resident of Bari Bazar, P.S. and District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER**

6 18-01-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 1173 of 2016 registered under
Sections 420 and 120 (B) of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner
submits that petitioner is innocent and has falsely been
implicated in the present case. Further submission is that the
complainant purchased the power tiller from the petitioner on
loan but due to non-satisfactory of agricultural work of the
complainant, he sold the same himself to one Bhikhari Mahto
for payment of due amount, as contained in Annexure-3 to the
bail application. Bhikhari Mahto has made an affidavit before

Executive Magistrate in which he has asserted all happening regarding the purchasing of power tiller, as contained in Annexure-4 to the bail application. Further he submits that co-accused namely Ram Prasad Bhagat and Mahesh Bhagat have already been granted anticipatory bail on 19.12.2018 in Cr. Misc. No. 73117 of 2018, as contained in Annexure-5 to the bail application. Petitioner has no criminal antecedent.

Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of four weeks from today, on furnishing personal bond to the satisfaction of the Chief Judicial Magistrate, Sitamarhi in connection with Complaint Case No. 1173 of 2016, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Arvind Srivastava, J)

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