

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64920 of 2021**

Arising Out of PS. Case No.-137 Year-2021 Thana- SHEKHPURA District- Sheikhpura

Mithlesh Yadav Son of Jawahar Yadav Resident of Village - Audhey, P.S.-
Sheikhpura, District - Sheikhpura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate.

For the Opposite Party/s : Mr.Madhuri Lata, APP.

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 16-06-2022 Heard learned counsel for the parties.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

The petitioner seeks anticipatory bail in connection with Sheikhpura P.S. Case No. 137 of 2021, registered for the offences under Sections 379 of the Indian Penal Code and Sections 11, 43, 56, 60(3) BM (CPIMT & S) Rule 2019 and Section 21 MMDR Act.

The main submissions advanced by learned counsel for the petitioner are that the petitioner was not arrested at the alleged place of occurrence, merely on the basis of suspicion this petitioner was named in the FIR and as per prosecution one tractor was found over loaded with giti and two persons on motorcycles coming behind the tractor in whom one escaped and one fell down but no seizure was prepared in respect of the over loaded giti and



petitioner has clean antecedent.

Learned APP has vehemently opposed the prayer of bail.

Heard both the sides and perused the FIR of this case. The petitioner has claimed himself to be not owner of the alleged tractor and he has clean antecedent as per para 3 of the petition and the police made the drivers and owner of the alleged tractor and motorcycle as accused but there is no material to show the petitioner as being the driver of any of these vehicles, in the light of these facts a lenient approach is required in respect of the petitioner's prayer, let the petitioner, above named, in the event of his arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Sheikhpura P.S. Case No. 137 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Shailendra Singh, J)

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