

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62721 of 2022

Arising Out of PS. Case No.-16 Year-2021 Thana- RAFIGANJ District- Aurangabad

Jai Prakash Mahto Son of Pukar Mahto Resident of Village - Rukundi, P.S.
Bandeya, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar, Advocate
	:	Mr. Rajesh Roy, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Rafiganj
P.S. Case No. 16 of 2021 registered for the offence under
Section 414/417/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.08.2022.

The allegation against the petitioner is to have in
possession of stolen tractor with tailor and also of cheating.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner was falsely implicated in this case, where his name surfaced on the basis of confessional statement of co-accused namely, Balmiki Kumar, in furtherance of which nothing incriminating material recovered from the possession of this petitioner to connect him, *prima facie*, with present set of recovery. It is also submitted that allegation of cheating is raised only for the reason that registration plate of unexplained vehicle was found in the possession of co-accused persons. While concluding the argument, it has been submitted that petitioner was found involved in one more criminal case, where he is on bail and moreover, investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as no incriminating material was recovered during the course of investigation from the physical possession of this petitioner to connect, *prima facie*, with present allegation coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Rafiganj P.S. Case No. 16 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of
learned Chief Judicial Magistrate, Aurangabad/concerned Court,
subject to the conditions as mentioned under Section 437(3) of
the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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