

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14528 of 2023

Arising Out of PS. Case No.-140 Year-2021 Thana- BITHAN BAZAR District- Samastipur

1. Sanjay Kumar Mahto @ Sanjay Kumar @ Sanjay Kumar Mahto, Son of Ram Ratan Mahto, Resident of Village- Singhiya Ghat, P.S.- Bibhutipur, District- Samastipur.
2. Raja Ram Yadav, Son of Chhanu Yadav, Resident of Village- Rahua, Ward No.-4, P.S.- Rosera, District- Samastipur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Bithan P.S. Case No. 140 of 2021 registered for the offences punishable under Section 379 of the Indian Penal Code. Petitioner no. 1 has one criminal antecedent whereas petitioner no. 2 has got no criminal antecedent.

Learned counsel for the petitioners submits that as per the prosecution story, 116 rail poles were loaded in the truck to deliver at Medo Chowk, 73 poles were unloaded thereafter the informant left the place of occurrence and when he came there the truck loaded with rest of the 43 rail poles, the driver, namely, Raju and these petitioners were not found. It is alleged that they



sold the rest of the 43 rail poles due to which he has suffered a loss of Rs.22,58,107/-.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case due to old enmity.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case, the nature of dispute involved and the submission that the petitioners claims himself a petty Contractor of the informant with whom he has developed sour relationship and for that reason, he has been falsely implicated in this case, in the circumstances, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners be released on bail in connection with Bithan P.S. Case No. 140 of 2021 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Rosera, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any



stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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