

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43293 of 2023

Arising Out of PS. Case No.-103 Year-2022 Thana- KESARIA District- East Champaran

Ramanand Mahto Son Of Shivraj Mahto Resident Of Village- Betha, Ps-
Kesariya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 379, 411 of the Indian Penal Code and Section 56(1) of the Bihar Minor Minerals Concession Rules.

3. As per the prosecution case, stolen sand was being loaded on the tractor. On seeing the police, the driver of the said tractor managed to escape from there leaving the tractor.

4. Learned counsel for the petitioner submits that the petitioner is innocent, not named in the FIR and has been falsely implicated in this case. He submits that the petitioner is neither owner nor driver of the seized tractor. He submits that there is no specific overt act against the petitioner. He submits that similarly situated co-accused has already been granted bail



by a coordinate Bench of this Court vide order dated 23.01.2023 passed in Cr. Misc. No. 55557 of 2022. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kesariya P.S. Case No. 103 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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