

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62792 of 2022

Arising Out of PS. Case No.-188 Year-2020 Thana- DIDARGANJ District- Patna

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YOGENDRA KUMAR YADAV S/O MANGRU YADAV Resident of village-
Chandanpura, Post- Ali nagar, P.S.- Suryagraha, District- Lakhisarai, State-
Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 03-05-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 420, 406,
379 of the Indian Penal Code.

The prosecution story, in brief, is that the informant
being the owner of the Swaraj tractor, had gone Hyderabad after
handed over tractor to the petitioner. When he returned, he came
to know that the his driver/petitioner had gone with the said
tractor and did not return. So, allegation against this petitioner is
of cheating in respect of tractor by the petitioner which was
given to him by the informant.

Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. There is land dispute regarding partition in between the father-in-law of the petitioner and father-in-law of the informant due to which, the informant filed a false & fabricated case against the petitioner. It is further submitted vide para 3, 4 & 5 of the supplementary affidavit that the informant who is owner of the alleged tractor bearing Engine No. 391355/GAE04704 but it was not registered by any Registering Authority. The informant alleged that said tractor was handed over to the petitioner on 3.10.2019 to operate it, which is unbelievable and baseless because without registration of the tractor and without paying the tax, no any vehicle can be operated. Nothing has been recovered from conscious possession of the petitioner. It is further submitted that the petitioner is languishing in judicial custody since 15.6.2022.

Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be



released on bail in connection with Didarganj P.S. Case No. 188
of 2020 on furnishing bail bond of Rs.10,000/- (ten thousand)
with two sureties of the like amount each to the satisfaction of
learned Judicial Magistrate 1st Class, Patna City, Dist- Patna.

(Sunil Kumar Panwar, J)

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