

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61458 of 2022

Arising Out of PS. Case No.-54 Year-2022 Thana- MAJHAULIA District- West Champaran

DHARMENDRA KUMAR Son of Shivpoojan Ram Resident of Village -
Jamuniya, Gherwa Tola, P.S.- Jagdishpur, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-02-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Majhauliya P.S. Case No. 54 of 2022, registered for the offence punishable under Sections 395 and 397 of the Indian Penal Code.

The case of the prosecution, in brief, according to the informant, is that on 19.1.2022 at about 8:30 pm., sugar cane was loaded on a trolley attached to a tractor and then the same was sent to the sugar mill, while the tractor was being driven by one Maneer Ansari. It is also alleged that in the night at about 11:55 pm., the



said driver of the tractor had rang the informant and informed him that unknown miscreants had taken away the tractor while leaving the trolley behind, after tying him to a tree.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 6.4.2022. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in two other cases, but he is on bail in one and in the other one, final form has been submitted by the police. The learned counsel for the petitioner has further submitted that neither any Test Identification Parade has been conducted so as to connect the petitioner with the alleged crime nor the stolen tractor has been recovered from the possession of the petitioner, hence, the petitioner is not having any complicity in the matter.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that no Test Identification Parade has been conducted so as to connect the petitioner with the alleged crime and moreover, the stolen tractor has also not been recovered from the possession of the petitioner, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhauriya P.S. Case No. 54 of 2022.

(Mohit Kumar Shah, J)

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