

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40009 of 2024

Arising Out of PS. Case No.-548 Year-2020 Thana- MADHAURAH District- Saran

Bhola Mahto @ Dharmendra Mahto, aged about- 34 years, Male, Son of
Bideshi Mahto, Resident of Village-Assoiyan,P.S- Marhowrah Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adarsh Ranjan, Advocate

For the Opposite Party/s : Mr. Nand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-10-2024 Heard Mr. Adarsh Ranjan, learned counsel

appearing on behalf of the petitioner and Mr. Nand Kumar,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Madhowrah P.S. Case No. 548 of 2020 registered for the
offence(s) punishable under Sections 379 and 411 of the Indian
Penal Code.

3. As per the allegation made in the FIR, after
receiving a secret information that some persons were stealthily
loading old bricks on a tractor from the building structure of
Madhoura sugar mill, which has been closed and taken over by
the Government, the police party reached at the spot and
arrested three accused persons, however, petitioner managed to
flee away.



4. Learned counsel appearing on behalf of the petitioner submitted that a false case has been lodged against the petitioner and he has been named in the FIR on the basis of the disclosure made by the apprehended accused persons, with whom, the petitioner has previous enmity. Petitioner is innocent and he has no concern, in any manner, either in stealing or loading the bricks belonging to the sugar mill. No recovery of the stolen bricks has been made from his house and, in fact, the recovery was made from a tractor bearing Registration No.BR04GA2251, Engine No.RLH2EAN0560 and Chassis No.MBNABAEXPHRL00638, which don't belong to the petitioner and in this regard, petitioner has made a specific statement in paragraph no. 7 of the bail application. Similarly situated co-accused, namely, Guddu Mahto, has already been released on pre-arrest bail by this Court vide order dated 02.04.2024 passed in Cr. Miscellaneous No. 20504 of 2024. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR against the petitioner, as well as, the fact that the recovery



was made from a tractor bearing Registration No.BR04GA2251, Engine No.RLH2EAN0560 and Chassis No.MBNABAEXPHRL00638, which don't belong to the petitioner and in this regard, petitioner has made a specific statement in paragraph no. 7 of the bail application. Similarly situated co-accused, namely, Guddu Mahto, has already been released on pre-arrest bail by this Court vide order dated 02.04.2024 passed in Cr. Miscellaneous No. 20504 of 2024. Petitioner has clean antecedent. I am of the opinion that the petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. Learned District Court is directed to call for the report relating to the ownership of the tractor, in question, on the basis of the registration number, from the District Transport Officer, Saran and if it is found that the tractor is not registered in the name of the petitioner or any of his family members, then in that case, learned District Court is directed to release the petitioner, above named, on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Chapra at



Saran in connection with Madhowrah P.S. Case No. 548 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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