

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44764 of 2024

Arising Out of PS. Case No.-387 Year-2023 Thana- UCHKAGAON District- Gopalganj

Vijay Sah @ Vijay Kumar, aged about 39 years, Male, Son of Late Madan Sah, resident of Manapur, P.S.- Kalyanpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-07-2024 Heard Mr. Krishna Kant Singh, learned counsel appearing on behalf of the petitioner and Mr. Awadhesh Kumar Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Uchkagaon P.S. Case No. 387 of 2023, registered for the offence punishable under Section 379 of the Indian Penal Code.

3. As per the allegation made in the FIR, some unknown persons had stolen the tractor bearing Registration No. BR29AA-8180 from the house of the informant.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. He submitted that the genuineness of the petitioner can be reflected from the fact that, admittedly, the tractor was recovered from outside his house.



Learned counsel further submitted that the petitioner had purchased the said tractor from co-accused Manish Kumar, and in this regard, he has brought on record the acknowledgment of Manish Kumar that he had sold the said tractor for amount of Rs. 2,75,000/- out of which, petitioner had paid Rs. 1,50,000/- to him and remaining amount was to be paid within 15 to 20 days. Learned counsel further submitted that if the petitioner had committed theft of the tractor, he would have removed it at a clandestine place and there was no question of parking the tractor outside his house. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State submitted that the petitioner and co-accused Manish Kumar had stolen the tractor of the informant by preparing forged sale agreement, which is not in accordance with the provision of the Motor Vehicle Act, 1988, as well as, the said agreement between the two co-accused can only be considered to save themselves from the criminal prosecution. Petitioner doesn't deserve to be released on pre-arrest bail.

6. Considering the nature of allegation made in the FIR, as well as, petitioner has clean antecedent, the petitioner, above named, is directed to be released on pre-arrest bail, in the



event of his/her arrest or surrender before the Court below within a period of four 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 A.C.J.M.- IX, Gopalganj, in connection with Uchkagaon P.S. Case No. 387 of 2023, subject to the condition that petitioner will file his undertaking before the District Court that he will not involve in any criminal activity in future and other condition as laid down under Section 438(2) of the Cr.P.C.

7. The Court below 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)

Niraj/-

U		T	
---	--	---	--

