

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51669 of 2024

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

Neur Mahto @ Nehru Mahto @ Rajdeo Mahato S/o Late Sheo Mahto R/o
Village- Ashoiya, P.S.- Marhowrah, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Basant Kumar Singh, Advocate. Mr. Vishesh Kumar Singh, Advocate.
For the State	:	Mrs.Gulnar Begum, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-10-2024 Heard Mr. Basant Kumar Singh, learned counsel
along with Mr. Vishesh Kumar Singh, learned counsel appearing
on behalf of the petitioner and Mrs. Gulnar Begum, learned APP
for the State.

2. The petitioner seeks pre-arrest bail in connection
with Marhowrah 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. On these grounds, petitioner seeks to be released on bail.

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

6. Considering the specific allegation made in the FIR that after demolishing the structure of sugar mill, the petitioner managed to load the bricks on the tractor and petitioner has pleaded that he is innocent and the tractor, on which, bricks were loaded don't belong to him, however, no such statement



has been made in the bail application in support of his contention that no recovery was made either from the conscious possession of the petitioner or from his house, the 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, the 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran at Chapra in connection with Marhowrah P.S. Case No. 548 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. With the aforesaid observation/direction, the bail application stands disposed of.

(Purnendu Singh, J)

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