

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52980 of 2024

Arising Out of PS. Case No.-95 Year-2024 Thana- BHARGAMA District- Araria

MITHU KUMAR @ MITHU KUMAR PASWAN S/O CHANDESHWARI
PASWAN R/O VILLAGE- BUDHIA, P.S- SARSI, DIST.- PURNEA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 26-10-2024

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for grant of anticipatory bail apprehending his arrest in connection with Bhargama P.S. Case no.95 of 2024 registered for the offence punishable under section 379 of the Indian Penal Code.

3. As per allegation in the F.I.R, the informant states that he had parked his tractor along with a trolley in the night. The next morning he found the same missing. It was not to be found inspite of enquiry from the neighbours. The informant states that he is convinced that unknown accused persons have stolen the same.

4. Learned counsel for the petitioner submits that the the FIR was registered against unknown. The name of the petitioner transpired in course of investigation in the confessional statement of a coaccused made before the police



wherein it was stated that one Sintu Kumar had sold the tractor to Mithu Paswan for Rs.36000/-. Learned counsel submits that the accused from whose possession the tractor was recovered, though carries the same name but is not the petitioner which would be evident from the names of their father.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation in the F.I.R. together with the material that has transpired in course of investigation, the name of the petitioner transpiring in the confessional statement of the coaccused made before the police and no incriminating article having been recovered from the possession of the petitioner, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Bhargama P.S. Case no.95 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria.

(Partha Sarthy, J)

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