

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73975 of 2024

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

Shyamadhar Mahato, Gender, Male, aged about 45 years, S/O - Late Dashrath Rawat @ Late Dashrath Mahato, R/O Village- Ashoiya, P.S- Marhowrah, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishesh Kumar Singh, Advocate
Mr. Vishesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-12-2024 Heard Mr. Basant Kumar Singh, learned counsel along with Mr. Vishesh Kumar Singh, learned counsel appearing on behalf of the petitioner and Mr. Zainul Abedin, 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. Similarly placed co-accused Neur Mahto @ Nehru Mahto @ Rajdeo Mahato has already been granted pre-arrest bail by this Court vide order dated 25.10.2024 passed in Cr. Misc. No.51669 of 2024. Petitioner has clean antecedent. 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. In the facts and circumstances of the case, the 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. 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.

(Purnendu Singh, J)

Sanjay/-

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