

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75490 of 2024

Arising Out of PS. Case No.-276 Year-2024 Thana- AKBARPUR District- Nawada

Ajay Kumar, Son of Binod Prasad @ Vinod Prasad, R/O Village- Pakri, P.S.-
Atri, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Akbarpur P.S. Case No. 276 of 2024, registered for the alleged offence under Section 303 (2) of the B.N.S.

3. As per prosecution case, the tractor of the informant was stolen and its recovery was made from the petitioner in village Pakri.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the FIR and only on the basis of confessional statement of co-accused Vikram Kumar, the name of the petitioner has been dragged in this case. The real fact of the case is that the petitioner purchased the tractor



from co-accused Vikram Kumar and after cultivation on 11.08.2024, he parked the said tractor at his village Pakri. On 12.08.2024, the police came there with co-accused Vikram Kumar and arrested the petitioner and also seized the tractor. The learned counsel further submits that the petitioner has no knowledge about the tractor being stolen property and Vikram Kumar never disclosed about the stolen tractor. The petitioner purchased the tractor in good faith for his cultivation. The petitioner is in custody since 13.08.2024 and is having clean antecedent.

5. The learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that the name of the petitioner transpired during investigation in the confessional statement of co-accused and further considering the period of custody of the petitioner along with his clean antecedent, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with Akbarpur P.S. Case No. 276 of 2024, subject to the conditions mentioned



in Section 437 (3) of the Code of Criminal Procedure and also
the following conditions :

- (i) One of the bailors will be a close relative
of the petitioner.
- (ii) The petitioner will remain present on each
and every date fixed by the court below.
- (iii) In case of absence on three consecutive
dates or in violation of the terms of the bail,
the bail bond of the petitioner will be liable to
be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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