

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77318 of 2023

Arising Out of PS. Case No.-819 Year-2023 Thana- KAHALGAON District- Bhagalpur

Maliya Pahadiya S/O Maisa Pahadiya R/O Village- Basko Pahar, P.S- Ranga,
Distt.- Sahebganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nalin Kumar

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 07-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 379 and 411 of the Indian Penal Code.

3. Prosecution case relates to recovery of stolen tractor from as alleged outside the house of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Nothing has been recovered from the possession of this petitioner. The petitioner is not named in FIR rather his name came into light in this case during investigation. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. It is



further submitted that co-accused, namely, Niranjana Kumar who is said to be stolen the alleged tractor and the said tractor was recovered near the house of the petitioner on the instance of co-accused. He has already been granted bail by another co-ordinate Bench of this Court vide order dated 16.10.2023 in Cr. Misc. No. 66279 of 2023. Moreover, the petitioner is languishing in judicial custody since 29.07.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail **after framing of charge if the charge is not framed** in connection with Kahalgau P.S. Case No. 819 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhagalpur.

(Sunil Kumar Panwar, J)

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