

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 894 of 2015

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1. Nagendra Kumar Sharma, Son of Shri Banarsi Sharma, Resident of
Village - Kharkanni, P.S. - Muffasil, District - Aurangabad (Bihar)
..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Ray, Advocate

For the Opposite Party/s : Mr. Dasrath Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 28-01-2015

Heard both sides.

The petitioner seeks regular bail in Agamkuan
P.S. Case No. 398 of 2014, registered for the offences punishable
under Section 406 of the Indian Penal Code.

According to the prosecution allegation, petitioner
is the driver of truck bearing Registration No. CG-04G-8792. The
truck proceeded for district Vaishali after loading different spare
parts from Raipur, Chatisgarh. It is alleged that petitioner
misappropriated entire articles loaded on the truck.

The learned counsel for the petitioner submits that
the petitioner is the driver of the truck. He had talk with owner of
the truck about 10:00 A.M. and he disclosed that he was near
Pahari situated in the vicinity of Patna town. The police took the
statement of the petitioner in para 16 of the case diary and he
disclosed that somebody fled away with the loaded truck after

getting him unconscious near Singh Petrol Pump, Patna. The police also found that the mobile of the petitioner was used in and around Nawadah. The truck was also located and recovered within the jurisdiction of Khaira Police Station. It appears that the police has not yet collected any tangible evidence.

Having considered the fact that the petitioner is alleged to have committed criminal breach of trust but it appears that the truck was looted and the same was found within the jurisdiction of Khaira Police Station, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Patna City in connection with Agamkuan P.S. Case No. 398 of 2014.

(Prabhat Kumar Jha, J.)

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