

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50134 of 2015

Arising Out of PS.Case No. -119 Year- 2013 Thana -MARKAHI District- KHAGARIA

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Gopal Chaudhary @ Jay Gopal Choudhary S/o Siyaram Choudhary @ Siya
Sharan Chaudhary Resident of Village - Tetari, P.S. - Naugachhia, District -
Bhagalpur. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Shailendra Kr. 1(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 15-12-2015

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Morkahi
P.S. Case No. 119 of 2013 for the offences punishable under
Sections 409/420/34 of the Indian Penal Code.

Allegedly, the petitioner along with Sanjay Kumar
was running Sai Baba Raodlines Transport at N.H.-31 at
Naugachhia and the informant booked maize weighing 31,525
kg. worth Rs.4,00272 (Four lacs two hundred and seventy two
rupees) for transporting the same to Pantnagar, but the aforesaid
maize was not transported to the destination and the petitioner
along with co-accused committed breach of trust and
misappropriated the same.

Submission is of false implication and that the
petitioner is in custody since 21.08.2015, no case as alleged is
made out as the petitioner is building owner in which co-accused

Sanjay Kumar was running transport business in the name of Sai Baba Roadlines on monthly payment of Rs. 500/-. The petitioner has no concern whatsoever with the alleged business of co-accused and as such the petitioner deserves sympathetic consideration.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above and considering that the charge sheet has already been submitted and there is no chance of tampering with prosecution evidence, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned S.D.J.M., Khagaria, arising out of Morkahi P.S. Case No. 119 of 2013 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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