

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12903 of 2015**

Arising out of PS.Case No. -13 Year- 2015 Thana -MOHAMMADPUR District- GOPALGANJ

- =====
1. Awadh Kishore Pd. Chaurasia @ Awadh Kishore Pd., Son of Bishwanath Bhagat, resident of Village -Kusheshar, P.S.- Mohammadpur, District- Gopalganj.
  2. Om Narayan, son of Ram Manohar, resident of Railway Road, P.S. and District- Kanpur (U.P.).
  3. Smt. Ganga Devi Gupta @ Ganga Devi Gupta, wife of Ajay Gupta, resident of 259, Tiwaripur, P.S. and District- Kanpur (U.P.).
  4. Atul @ Atul Gupta, son of Ajay Gupta, R/o 52/43 C, New Dal Mandi, Near S.B.I. Building, Nayaganj, P.S. + District- Kanpur (U.P.)

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

=====

**Appearance :**

For the Petitioners : Mr. Bijay Prakash Singh, Advocate.  
For the Opposite Party : Mr. Dr. M.K. Gautam (App)

=====

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      21-05-2015                      The petitioners are apprehending their arrest in connection with Mohammadpur P.S. Case No. 13 of 2015 for the offences instituted under Sections 414, 419, 420 and 120(B)/34 of the Indian Penal Code.

Heard learned counsel for the petitioners and the State.

The prosecution story, in brief, is that the informant, who happens to be A.S.I., Mohammadpur P.S., alongwith police party arrived at the godown of petitioner no. 1 on confidential information and found a Truck bearing registration No. UP 78 CN/8564 standing there and 30 Tins of Mustard-oil were also

found in godown. On query, no one gave reply satisfactory and produced any paper regarding the goods and truck etc. No driver, owner of truck and owner of godown found present there. Thereafter, a seizure-list of the Truck and goods was prepared making the petitioners accused. Hence, the F.I.R.

It has been submitted on behalf of the petitioners that the petitioners have falsely been implicated in the present case on the basis of mistake of fact. Further it has been submitted that the petitioner no. 1 is the owner of the godown. It has further been submitted on behalf of petitioner no. 1 that he is ready to deposit amount of Rs. 35,000/- in the court below which shall be subject to final disposal of the case.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R. and specific allegation has been made against them.

Considering the fact that the petitioner no. 1 is ready to deposit amount of Rs. 35,000/- in the court below which shall be subject to final disposal of the case, let the above named, petitioners, be released on bail in the event of their arrest or surrender before the learned court below within a period of eight weeks from today in connection with Mohammadpur P.S. Case No. 13 of 2015 on furnishing bail bond of Rs.10,000/-(Ten

Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Gopalganj, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

**(Sudhir Singh, J)**

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|