

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17550 of 2015

Arising out of PS.Case No. -487 Year- 2014 Thana -KAJI MUHAMMADPUR District-
MUZAFFARPUR

=====

Gautam Kumar, son of Sri Baleshwar Prasad Sinha, resident of Village Usarahia, P.S. Riga, District Sitamarhi, Presently residing at Kaleshwari Bihar Lane, Dhanukhar Tola, P.S. Kazi Mohammadpur, District - Muzaffarpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Alok Kumar, Advocate.
For the Opposite Party : Mr. C.Jawahar(App)

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-07-2015 The petitioner is apprehending his arrest in connection with Kazi Mohammadpur P.S. Case No. 487 of 2014 for the offences instituted under Sections 414, 420, 467, 468 and 471/34 of the Indian Penal Code.

Heard learned counsel for the petitioner and the State.

The prosecution story, in brief, is that the informant alleged that he got secret information that petitioner Gautam Kumar is indulged in preparing fabricated and duplicate sub-standard cement by mixing theft cement and storing in the godown which he has taken on rent from one Anil Kumar Srivastava. Gautam kumar is engaged in preparing fabricated sub-standard

duplicate cement and selling of fabricated cement from before. A truck bearing no.B.R.01GC/1991 loaded with cement is being unloaded in the godown. Informant entered this information into S.D. entry and after constituting a police raiding team, proceeded at the site and when reached there, found truck no.B.R.01GC/1991 standing there. One boy seeing the police, managed to escape from there but two boys were found sitting in the cabin of truck, who introduced themselves to be driver and khalasi. One boy disclosed his name Anil Paswan and another told his name Sanjay Paswan. When the paper of truck was demanded from truck driver, he disclosed that one Abhay Kumar, resident of Bihat, Begusarai has sent the truck loaded with cement to get it reached there with Gautam Kumar and he did not produce any paper. All the bags of cement were found hand stitched and on the truck, 150 bags of cement like powder in the bag of Jaypee cement, 8 bags of cement like powder in the bag of Prism Champion Cement and 2 bags of cement like powder in the bag of Ultra Tech cement were found loaded, which appears to be fabricated and duplicate. The driver Anil Paswan disclosed that 450 bags were loaded on the truck and Gautam Kumar got unloaded the bags and when bags were being kept in the godown, seeing the police he fled away and thereafter, the truck loaded with 160 bags of cement like powder were seized

in presence of two independent witnesses. It is further alleged that 262 bags of cement like powder of different brands were also seized from the godown of Gautam Kumar and from perusal of paper of truck, it transpired that Sajjan Kumar Chaudhary was the owner of the said truck.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is further submitted that the petitioner has been made accused in the present case due to mistake of fact. It is further submitted that there is no chemical examination made in respect to cement recovered whether the said cement has been mixed with other materials or not ? It has further been submitted that the petitioner is ready to deposit amount of Rs. 50,000/- 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 petitioner is named in the F.I.R.

Considering the same, the petitioner is directed to deposit amount of Rs. 50,000/- in the court below which shall be subject to final disposal of the present case and on doing so, let the above named, petitioners, be released on bail in the event of his arrest or surrender before the learned court below within a period of four weeks from today in connection with Kazi Mohammadpur P.S.

Case No. 487 of 2014 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 C.J.M. Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

U		T	
---	--	---	--