

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27638 of 2014

Arising Out of PS.Case No. -118 Year- 2013 Thana -MAHESHKHUNT District- KHAGARIA

1. Ajay Choudhary S/o Sri Jarman Choudhary Resident of village-
Sonebarsha Rahimpur, P.S- Khagaria (Muffasil), District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. K. Aggrawal, Sr. Advocate

Mr. Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr. Nand Kumar(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 15-01-2015

Heard learned Senior Counsel for the petitioner and

learned counsel representing the State.

Petitioner apprehends his arrest in connection with
Maheshkhut P.S. Case No. 118 of 2013 registered for the offences
punishable under Sections 406, 407, 409/34 of the Indian Penal
Code.

Allegedly, the petitioner being the transportation
agent in collusion and in conspiracy with the depot manager did
not transport 18 trucks of the wheat and rice to its destination and
in that way he misappropriated the amount of Rs. 83,31,439/-, out
of which rice was valued of Rs. 65,77,730/- and wheat was valued
of Rs. 17,49,709/-.

Submission is that the District Manager earlier
lodged the FIR on 18.4.2013 but nothing was whispered about
any defalcation as alleged in the present FIR whereas the lifting

date is prior to that and this clearly indicates that how the petitioner has been targeted. Further submission is that the security amount rupees three lacs, two bonds amounting to rupees three lacs, bank guarantee of rupees five lacs and inventories of personal assets amounting to rupees fifteen lacs including the transportation charge comes to the tune of rupees one crores is with the informant. The petitioner has done transportation work with full devotion and sincerity, there as no adverse remarks against him and in the first FIR the petitioner has been granted privilege of pre-arrest bail vide Cr. Misc. No. 27604 of 2013 in connection with Khagaria (Chitragupta Nagar) P.S. Case No. 228 of 2013.

Considering the aforesaid facts and circumstances, the petitioner above named, in case of his surrender or arrest within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Maheshkhut P.S. Case No. 118 of 2013, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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