

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.43676 of 2015**

Arising Out of PS.Case No. -71 Year- 2003 Thana -PURNEA SADAR District- PURNIA

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Krishna Kumar Jha @ Chilmil Jha son of Laxmi Kant Jha, Resident of  
village- Kalyanpur Milki, P.S.- Bibhutipur, District- Samastipur

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. Indu Kumari Srivastava(App)

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

3 01-12-2015

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted under  
Sections 406 and 420 of the Indian Penal Code.

Prosecution case is that informant sent 160 bags of  
mustard seeds to M/s Dayaram Anjani Kumar, Jhajha on a truck  
which was driven by the petitioner. But it did not reach to the  
destination. Thus, informant suspects that the goods in question  
have been embezzled.

It has been submitted on behalf of the petitioner that he  
has got no criminal antecedent. He is in custody since 9.6.2015.  
Chargesheet has been submitted in the present case. There is no  
allegation of tampering of evidence against the petitioner.  
Petitioner has been made accused due to mistake of fact. He is  
just the driver of the truck on which 160 bags of mustard seeds  
were being transported. There is no recovery from the possession  
of the petitioner.

On behalf of the State, it is submitted that petitioner is

named in the F.I.R. Petitioner was the custodian of the said mustard seeds in question which is said to have been fraudulently sold in the open market. Onus upon the petitioner is to explain regarding the missing of those 160 bags of mustard seeds.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner, same is rejected at this stage.

**(Sudhir Singh, J)**

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