

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23140 of 2015

Arising Out of PS.Case No. -279 Year- 2012 Thana -PURNEA SADAR District- PURNIA

Mithilesh Mishra, Son of late Ramchandra Mishra, resident of Durlabhganj,
P.s Garbetta, District West Midnapore, West Bengal.

.... Petitioner

Versus

The State of Bihar and anr.

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-09-2015 Heard the learned counsel for the petitioner and the
learned counsel for the State.

The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 406, 420/34
of the Indian Penal Code.

The prosecution case, in brief, is that the informant
being proprietor of M/s S.K. Enterprises hired a truck from the
transporter Upendra Sharma, loaded 25980 Kg. maize worth
Rs.3,19,554/- and sent the said maize to Saguna Poultry Farm
Ltd., Kharagpur. When the truck proceeded for its destination,
the truck owner Mithilesh Mishra (petitioner) uploaded the entire
maize from the said truck at his Godown and sold the same with
ulterior motive. When the maize did not reach to its destination,



the informant enquired from the transporter and owner of the truck, but no satisfactory reply was given. After some efforts, the owner of the truck asked the informant to send his representative along with authority letter to lift the maize. When the staff of the informant reached before the truck owner, he came to know that the said maize was already sold. It is alleged that the owner of the truck along with his followers extended threat to the staff of the informant with dire consequences and they forcibly obtained signature of the said staff on some papers, handed over him four cheques of Rs.25,000/- each. When the said staff reached and informed the informant about the entire facts, the informant asked the transporter and owner of the truck, they also threatened the informant. It is further alleged that the accused persons including the petitioner committed forgery and misappropriated the maize on account of which the informant sustained heavy loss and also affected his business credit.

On behalf of the petitioner, it is submitted that the petitioner has got no criminal antecedent. He has been made accused due to mistake of fact. From perusal of the annexure, it would appear that in fact, no offence under Section 406 or 420 is made out against the petitioner. It is further submitted that the petitioner is ready to deposit an amount of Rs.15,000/- in the

court below, which shall be subject to final disposal of the case.

On behalf of the State and the counsel for the informant, it is submitted that the petitioner is named in the First Information Report.

Considering the facts and circumstances of the case, let the petitioner above-named be released on bail in the event of his arrest or surrender within a period of four weeks on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in Purnea Sadar P.S. Case No.279 of 2012 subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure with further condition that petitioner shall deposit an amount of Rs.15,000/- in the court below, which shall be subject to final disposal of the case.

(Sudhir Singh, J)

V.K. Pandey/-

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