

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2425 of 2015

Arising Out of PS.Case No. -273 Year- 2014 Thana -BALIA District- BEGUSARAI

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1. Durgesh Jha Son of Late Kamal Narayan Jha
2. Mithilesh Pathak Son of Late Dukhmochan Pathak
Both are resident of Village - Bihat Tola Gurudaspur, P.S. - Barauni,
District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amar Nath Singh

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 26-11-2015 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are transporters running a company under the name and style of Jai Mahatma Transporters Zero Mile, Barauni are apprehending their arrest in connection with Ballia P.S. Case No. 273 of 2014 registered for the offences punishable under Sections 406, 420 and 120(B) of the Indian Penal Code.

Learned counsel for the petitioners submits that the allegation against them is that petitioners as transporters had sent a vehicle bearing Registration No. JH 10M 4121 which picked up 22055 K.G. of maize to the tune of Rs. 2,62, 895/-. Such maize was to be reached to Hazaribagh. It is further submitted that the aforesaid deal was between Gaurav Traders and the driver of the

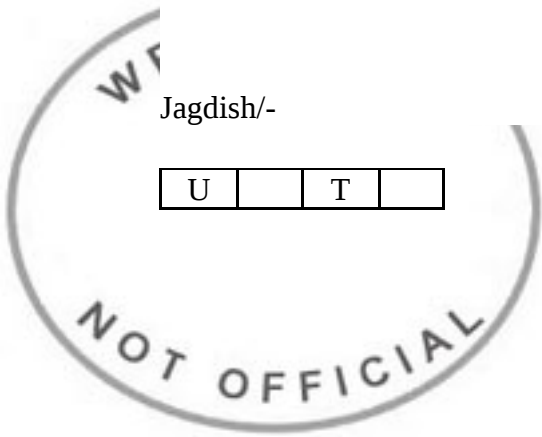
aforesaid vehicle and not these petitioners.

It is further submitted that the petitioners are merely transporter and they have no concern either with the truck or with the driver. It is further submitted that the driver of the truck had taken maize to deliver the same at Hazaribagh, but he did not deliver. Later during inquiry, it transpired that the maize handed over by the informant which was sold by the driver and his father in collusion with the owner of the truck.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that save and except the fact that the aforementioned Truck bearing Registration No. JH 10M 4121 is one of the vehicles being usually hired by the present transporters, there is no cogent material so as to implicate these petitioners.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of their arrest or surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Begusarai in connection with Ballia P.S. Case No. 273 of 2014, subject to the

conditions as laid down under Section 438(2) of the Cr.P.C..



Jagdish/-

(Anjana Mishra, J)