

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14005 of 2014

Arising Out of PS.Case No. -100 Year- 2012 Thana -ATHMALGOLA District- PATNA

Niranjan Kumar Son of Kalu Singh, resident of Village Ajupura, P.S-
Shivala Kala Tabsil, Chandpur, District- Bijnaur (U.P)

.... Petitioner

Versus

1. The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner : Mr. Manoj Kumar Pandey

For the Opposite Party/s : Mr. J.K. Singh (APP)

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
C.A.V. ORDER

6 22-05-2015 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 402, 379, 120B of the Indian Penal Code registered in connection with Athamalgola P.S. Case No. 100 of 2012.

3. According to the prosecution case, the informant being the Officer-in-Charge, Athamalgola Police Station, on secret information proceeded along with his team to the concerned spot and found some persons using some pipe and a drum to siphon off milk from a Sudha Dairy Tanker bearing Registration No. UP- 15 AT-5709. One of the person was caught while the others fled away. The person caught gave his name as Rameshwar Jha and disclosed that he routinely extracted thousands of litres of milk from

several such Tankers and compensated the stolen quantity of milk by pouring water into the tanker. Half the ill-gotten gains were given to the transporter Manoj Kumar Gupta and the driver and khalasi of the vehicles. It was stated that such activity helped earn Rs. 2-3 lakhs everyday. Manoj Kumar Gupta had about 74 Tankers vehicles of Sudha Dairy on contract and indulged in black marketing business in Kolkata, Ranchi and Rajauli.

4. It is submitted that the petitioner has been falsely implicated as he has neither been named in the F.I.R. nor anything has been recovered from his possession.

5. Pursuant to the order of this Court, a copy of the case diary has been received, para-128 of which discloses that the aforesaid transporter, Manoj Kumar Gupta, has specifically stated in writing of his letter-head that the petitioner was the driver of the Sudha Dairy Tanker No. UP-15 AT-5709 on the date of occurrence.

6. Having regard to the nature of accusations and the gravity of the offence alleged, this Court is not inclined to grant anticipatory bail to the petitioner. The anticipatory bail petition stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/-

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