

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39157 of 2015

Arising Out of PS.Case No. -262 Year- 2015 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

1. Parasnath Chaudhary @ Paras Chaudhary son of Late Lagandeo Chaudhary
2. Mahesh Kumar Choudhary @ Mahesh Choudhary Son of Paras Nath Chaudhary Both are resident of Village- Kanchanpur, P.S.- Badalpur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar

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

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 30-09-2015 Heard Mr. Ajay Thakur along with Mr. Amit Kumar, learned counsels for the petitioners and learned A.P.P. for the State.

The petitioners apprehend arrest in connection with Bidupur P. S. Case No. 262/2015 for the offences punishable under Sections 406, 420 and 120 (B) of the Indian Penal Code.

The prosecution case according to F.I.R. is that the petitioners on 03.6.2013 hired the pick-up van of informant cunningly and on false pretext for loading bananas to Sasaram took away his van alongwith his driver. But on returning from Sasaram, they intentionally loaded prohibited articles such as



“stone seal and lodha” from Dehri area under Sasaram District without giving any information to him despite refusal of driver. It is further alleged that on 05.05.2013 the aforesaid van alongwith prohibited articles were seized by the Forest Department in the area of Dehri P.S. and driver Prabhat Kumar and accused Mahesh Kumar Choudhary were arrested. It is further alleged that due to non-possibility of the release of the aforesaid vehicle in future, the loss of Rs. 6 lacs was caused to the informant. Panchayatee was also held and the accused persons accepted their guilt and promised to pay Rs. 6 lacs within six months but the same was not paid by them.

Learned counsel for the petitioners submitted that they are innocent and have been falsely implicated in the present case. It has further been submitted that the occurrence took place on 3.5.2013 and vehicle of the informant was seized on 05.05.2013 and FIR has been lodged on 16.06.2015 which indicates the falsity of the case. He further submits that the allegations are of civil liability will not come under the purview of Sections 406 and 420 of the I.P.C.

Considering the aforesaid facts, let the petitioners, namely, Parasnath Choudhary @ Paras Choudhary and Mahesh

Kumar Choudhary @ Mahesh Chaudhary, in the event of their arrest or surrender within a period of four weeks from today before the Court below be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand only)each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bidupur P.S.Case No. 262/2015,subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

Sudha/-

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