

=====

Raj Kishore
Domcha

The State

=====

Appear
For the

Raj Kishore Mehta, Son of Etawari Mehta, Resident of Village + P.S-

Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Rajpati, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-09-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with

Kursela P.S. Case No. 191/14 for offences alleged under Sections 188 and 379 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that on 19.12.2014 an overloaded truck bearing Registration No. JH. 12D-9761 was kept at Kursela P.S. premises after being seized by Enforcement Sub-Inspector, Transport Department, Katihar. It is alleged that on 21.12.2014 at about 2.00 A.M. in the night the driver of the said truck after having talked to its owner (petitioner), taking advantage of night and dark fled away with the said vehicle without paying fine of overloading.



It has been submitted by the learned counsel for the petitioner that he is the owner of the truck bearing Registration No. JH. 12D-9761 and he had no knowledge that his truck was seized by the Enforcement Sub-Inspector, Transport Department on 19.12.2014 as the driver has neither informed him nor has he been supplied any receipt regarding fine or any other documents. He submits that 1½ years after institution of the said case and after warrant of arrest was issued against him the entire matter surfaced. He further submits that the petitioner has been implicated only on the basis of suspicion and that he has no criminal antecedent, as is evident from paragraph 3 of this petition.

However, learned APP for the State submits that the petitioner is the owner of the truck in question and during investigation his name surfaced, hence, opposes the prayer for bail.

Be that as it may, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Kumar Rishikesh, learned Judicial Magistrate 1st Class, Katihar, in

connection with Kursela P.S. Case No. 191/14, G.R. No. 3864/14,
subject to the conditions as laid down under Section 438(2)
Cr.P.C.

Rajesh/-

U		T	
---	--	---	--

(Nilu Agrawal, J.)

