

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31046 of 2016

Arising Out of PS.Case No. -103 Year- 2016 Thana -BAHERA District- DARBHANGA

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Md. Abdullah s/o- Late Md. Ali Hassan, R/v Parbalpur, P.S- Bheja,
District- Madhubani At present J.J. Colony, Block no. 383, Babana, P.S -
Narela, Delhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar, Advocate

For the Opposite Party : Mr. Smt. Sahin Begam (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 08-09-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Behera
P.S Case No. 103 of 2016 registered for the offences punishable
under Sections 406, 407, 420, 467, 468, 379, 120(B), 413, 414 of
the Indian Penal Code.

Allegedly, the petitioner being the owner of truck
being in collusion and conspiracy with driver and after showing
wrong address got the loaded articles on the said truck,
misappropriated amounting to Rs. 2404808.74/- (twenty four lacs
four thousand eight hundred eight and seventy-four paisa) and
truck was standing near P.P. patrol pump.

Submission is of false implication and that no offence



is made out against the petitioner, entire allegations are false and concocted, as a matter of fact the driver has committed breach of trust for which the petitioner has lodged a case against the driver as Kuchaikot P.S. Case No. 47 of 2016 under section 306/34 of I.P.C. The petitioner is the truck owner and he has given correct address. All the relevant papers of his residential proof go to reveal that he has given correct address. There is no eye-witness to show that the petitioner was involved in any such crime. All the articles have also been recovered and no loss has been caused to the informant, signature of the petitioner was taken forcibly at police station on several blank papers. He was arrested on 07.04.2016 whereas he has been remanded on 09.04.2016. He has not confessed his guilt before the police.

Learned A.P.P. seriously opposes the prayer of bail.

In the facts and circumstances stated above, considering that the petitioner has lodged a case against the driver as Kuchaikot P.S. Case No. 47 of 2016. Almost all the loaded articles have been recovered and, as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned A.C.J.M., Benipur, District-Darbhanga, in connection with Bahera P.S. Case No. 103 of 2016,

subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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