

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1651 of 2017

Arising Out of PS.Case No. -1134 Year- 2015 Thana -AHIAPUR District- MUZAFFARPUR

=====

Mahendra Singh, Son of Lalan Singh, Deepak Transport Company, N.H.28
Bhagwanpur, P.S. Sadar, District Muzaffarpur, resident of Mohalla-
Prabhatnagar, Road No.4, Police Station Sadar, District Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate
Mr. Radha Mohan Singh, Advocate
Mr. Dilip Kumar, Advocate

For the Opposite Party : Mr. Matloob Rab, APP-34

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 19-01-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Aahiyapur P.S. Case No. 1134 of 2015, registered for the
offences punishable under Sections 406, 420 and 120(B) of the
Indian Penal Code.

Allegedly, the informant loaded paddy on truck no.
JH09Q/9167 through Deepak Transport Agency to transport the
same to G. Krishna Rice Mill, Ranchi, but the paddy was not
received there and then F.I.R. has been lodged against the owner
of the Deepak Transport, driver, cleaner and owner of the truck.

Submission is of false implication and that the
petitioner is the owner of Deepak Transport Company, the role of
the agency is of broker. The petitioner is not responsible for
uninsured goods over than rupees fifty and from the terms and



conditions vide para 12 it is evident that the petitioner being only commission agent is not responsible when the informant came before him and told that the said consignment had not reached till date then the petitioner inquired the matter at his level best but no trace was found about the driver and khilasi of truck no. JH09Q/9167 and after search of driver and khilasi of the truck the petitioner has filed a complaint case through his employee Ajit Kumar against the owner of the truck Krishna Rice Mill under section 406, 420 and 120(B) of the I.P.C. which was registered as Aahiyapur P.S. Case No. 508 of 2016, no offence as alleged is made out against the petitioner and, as such, he deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest to him and accordingly his such prayer stands rejected in connection with Aahiyapur P.S. Case No. 1134 of 2015, pending in the Court of learned Chief Judicial Magistrate, Muzaffarpur.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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

