

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57972 of 2017

Arising Out of PS.Case No. -328 Year- 2015 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Sagar Chaudhary @ Sagar Kumar S/o Dinesh Mehta R/O village- Jogia,
P.S.- Barun, District- Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Smt. Pushpa Sinha

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 20-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Madhuban P.S.Case No. 328 of 2015 registered under
Sections 188 and 379 of the Indian Penal Code.

It is stated by the learned counsel for the petitioner
that in view of Section 195 of the Code of Criminal Procedure, no
FIR could have been instituted for the offence punishable under
Section 188 of the Indian Penal Code. So far as Section 379 of the
Indian Penal Code is concerned, the same would not be attracted
against the petitioner as admittedly he is the registered owner of
the vehicle in question and the same was being plied by the driver,
who came back with the vehicle and did not disclose that the same



was not relieved of the election duty.

On the other hand, learned counsel for the State submitted that the ingredients of Section 379 of the Indian Penal Code would be clearly attracted in the present case as certain articles kept in the vehicle were also taken away by the driver without informing the informant.

Be that as it may, regard being had to the nature of allegation and the fact that the petitioner is the owner of the vehicle, in the event of arrest or surrender before the court below within four weeks from today, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Motihari in connection with Madhuban P.S.Case No. 328 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Pradeep/-

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

