

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9376 of 2017

Arising Out of PS.Case No. -850 Year- 2016 Thana -ARARIA District- ARARIA

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Biplav Raj @ Biplav Yadav Son of Late Mulki Yadav, Resident of Village-Shitalpur, P.S.- Mufassil, District- Munger.

..... Petitioner

Versus

The State of Bihar

..... Opposite Party

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Appearance :

For the Petitioner : Mr. Pawan Kumar Singh, Advocate.
For the Opposite Party : Smt. Veena Kumari Jaiswal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-03-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 18.12.2016 in connection with Araria P.S. Case No. 850 of 2016 for the offences instituted under Sections 406, 420 and 379/34 of the IPC.

The prosecution story, in brief, is that the petitioner being the driver of the vehicle, on 13.12.2016 at about 6.30 P.M., loaded 194 cartons of *Amul Milk Powder* and other materials including *Butter* and *Ghee* worth Rs. 7,96,842/- which was to be delivered at Kishanganj *Jishan Trading* but on the next day while the informant tried to contact the petitioner on mobile phone, he found that the petitioner's mobile phone was switched off. After search, the petitioner came to the informant and stated that he was



kidnapped near *Belwa Bridge*, Araria, and he was kept for 13 hours and when he got the vehicle, he found 66 cartons missing.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 18.12.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. He has been made accused in the present case due to mistake of fact. He is the driver of the vehicle on which the goods of the informant was being transported. The said goods were stolen in course of transportation. The informant has raised suspicion against the petitioner. There is no recovery of any stolen goods from possession of the petitioner.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned C.J.M., Araria, in connection with Araria P.S. Case No. 850 of 2016, G.R. No. 4168 of 2016.

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(Sudhir Singh, J)

