

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5496 of 2017

Arising Out of PS.Case No. -397 Year- 2016 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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Muneshwar Giri @ Munni Lal, age about 60 years, Son of Late Narayan
Giri, resident of Mohalla- Nandgola, P.S. Malsalami, District- Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ram Krishna Prasad Yadav, Advocate.

For the Opposite Party : Mr. Anant Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 28-02-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 24.10.2016
in connection with Hazipur Sadar P.S. Case No. 397 of 2016 for
the offences instituted under Sections 407 and 120(B) of the IPC.

The prosecution story, in brief, is that 10 pieces of
Fridge, 02 pieces of Washing Machine and 37 pieces of LED T.V.
were loaded on a Pick-up Van bearing Registration No. BR-01D-
3721, which was being driven by this petitioner after taking the
same from Transporter, co-accused Ashok Chaudhary for
unloading the same at Vinod Agency, Madhubani, on 23.10.2016.
The instruction was also given to the driver not to proceed in the



night as well as not to go Madhubani through Mahua Road. On the next date at about 9.30 A.M., the transporter informed about loot of the vehicle with the loaded materials, but the petitioner being the driver did not inform the matter about loot of the Pick-up Van. Thereafter, the informant raised suspicion about misappropriating the articles loaded on the Pick-up Van by this petitioner and transporter co-accused Ashok Chaudhary.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 24.10.2016 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. The petitioner is the driver of the Pick-up Van. In the night, some miscreants came on Bolero vehicle and took the petitioner alongwith the goods on the vehicle and fled away. The petitioner has been made accused in the present case due to mistake of fact. The other co-accused has been granted bail by another Bench of this Court vide Cr. Misc. No. 53439 of 2016.

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., Vaishali at Hajipur in connection with Hazipur Sadar P.S. Case No. 397 of 2016.

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(Sudhir Singh, J)

