

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30839 of 2018

Arising Out of P.S.Case No. -197 Year- 2018 Thana -SAHARSA District- SAHARSA

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Bhimraj Yadav, S/o Jhakaas Yadav, Resident of Village- Gamhariya, P.S.
Sour Bazar, District Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suman Kumar Jha
Mr. Krishna Ranjan, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP
For the Informant : Mr. Satish Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

4 05-07-2018 Heard learned counsel for the petitioner, learned counsel
for the Informant as well as learned APP for the State.

The petitioner is in custody in connection with Saharsa
Sadar P.S.Case No.197 of 2018 registered for an offence under
Sections 406, 420, 379 and 34 of the IPC.

The petitioner is owner-cum-driver of the truck which
was allegedly hired by the informant for transportation of maize
from Saharsa to Raxaul. The informant loaded 455 bags of maize worth
Rs.3,22,603/-. The said truck did not reach to the destination. It is alleged
that the petitioner has committed breach of trust.

It has been submitted that the allegation against the
petitioner is false and



frivolous. There was absolutely no entrustment of alleged maize. The chalan annexed with the FIR is a forged fabricated document which was neither verified by the police. The said chalan does not bears signature of the petitioner which is mandatory at the time of its departure of vehicle. The petitioner is in custody since 27.02.2018 having clean antecedent except one case against him which relates to an offence under SC/ST Act and so he deserves to be enlarged on bail.

The learned APP as well as the Informant opposed the bail prayer.

Considering the aforesaid facts and circumstances of the case, prayer for bail is allowed. Let the above named petitioner 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 CJM, Saharsa in connection with Saharsa Sadar P.S.Case No.197 of 2018 with following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on his part to



appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

B.Kr./-

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