

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71624 of 2018

Arising Out of PS. Case No.-594 Year-2017 Thana- JAHANABAD District- Jehanabad

Sanjay Kumar @ Chhotu Sharma, Son of Late Brijbhushan Sharma @ Bigu Sharma, Resident of Village- Ghejan, Police Station- Sakurabad, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-12-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 406/420/379/120B of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 12.09.2017 submitted by Santosh Kumar to the Station House Officer, Karauna Police Station to the effect that the informant, being a transporter of Rajnandani Roadways Kanaudi loaded his rice for being transported to Raipur (Chhattishgarh) on a truck and he paid Rs.6000/- to the driver, Pankaj Kumar @ Gulshan Kumar for expenditure, but the driver did not reach the destination till 03.09.2017, then the informant



tried to contact the driver, but his mobile was found switched off. Thereafter, the informant contacted the owner of the said truck, namely, Chhotu Sharma, the petitioner, who replied that the driver might have sold the rice somewhere. Subsequently, the informant came to know that Pankaj Kumar, being the driver and the petitioner, being the owner of the truck in conspiracy have sold the rice of the informant.

It is submitted by learned counsel for the petitioner that alleged date of occurrence is between 30.08.2017 to 03.09.2017. In fact, the petitioner is not the owner of the truck in question, as he has entered into an agreement with one Dhananjay Kumar to sell the truck in question on 05.09.2017, which gets reflected from paragraph no.3 of the Complaint Case No.875 of 2018, filed by the real owner Dhananjay Kumar against the petitioner with accusation under Sections 406 and 420 of the I.P.C, which came to be registered as police case after its being transferred under Section 156(3) of the Cr. P.C., as contained in Annexure-2. It is further submitted that apart from the present case, the petitioner is accused in one other case being Rampur P.S. Case No. 239 of 2018, wherein also the petitioner's anticipatory bail application is pending,

It is submitted by learned APP for the State that the



petitioner is named in the FIR.

Considering the fact that *prima facie* it appears that on the alleged date of occurrence, the vehicle in question was registered in the name of Dhananjay Kumar and further there is no proof suggesting that the rice in question was entrusted to the petitioner, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Jehanabad, in connection with Jehanabad (Karauna) P.S. Case No.594 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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