

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.57957 of 2018**

Arising Out of PS. Case No.-214 Year-2018 Thana- NAUBATPUR District- Patna

Ajay Kumar, son of late Kamata Yadav, Resident of Raghopur, P.S. -Bihta,  
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Sri Anand Kishore Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

3      20-09-2018      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 420 and 120B/34 of  
the Indian Penal Code and Section 7 of the Essential  
Commodities Act.

The prosecution case got initiated on the basis of written  
report dated 10.05.2018 submitted by Mithilesh Kumar, Block  
Development Officer, Danapur to the Station House Officer,  
Naubatpur Police Station, to the effect that on 10.05.2018, 450  
bags of FCI rice was being transported through a truck bearing  
registration No.UP21AN-1867, which was to be unloaded to the  
FCI godown at Naubatpur, but the truck in question changed the  
route and on the way it met with an accident and fell into a  
canal, which suggests the intention of black-marketing.



It is submitted by learned counsel for the petitioner that the petitioner is the owner of the truck in question. In fact, the main route was jammed due to heavy traffic, hence, the driver deviated from the main route and met with an accident. The driver of the truck in question gave information, regarding the accident, then another truck reached there over which, the alleged rice was being unloaded, hence, there is no question of black-marketing. Moreover, the petitioner was not driving the truck in question when the rice was being unloaded on another truck. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation against the petitioner in the FIR.

Considering the thrust of accusation against the driver and admittedly the rice was not recovered from the possession of the petitioner, being owner of the truck in question, 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 ACJM, Danapur, in connection with Naubatpur P.S. Case No.214 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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