

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.55248 of 2018**

Arising Out of PS. Case No.-82 Year-2006 Thana- JOGBANI District- Araria

Nagendra Rai, S/o Late Jamuna Rai, R/o Vill- Baluwa Kuari, P.S.- Sadar  
Hazipur, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Anil Prasad Singh, Advocate.  
For the Opposite Party : Mr. Sanjay Kumar Pandey, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

4      12-12-2018                      This matter has come up under the heading ‘To Be  
Mentioned’ at the instance of learned counsel for the petitioner.

Although this matter was not listed on 25.10.2018  
before this Court but due to inadvertent mistake, the order has  
been passed on 25.10.2018 in the present case i.e., Cr. Misc. No.  
55248 of 2018 in place of Cr. Misc. No. 54248 of 2018.

In the aforesaid facts and circumstances, the order  
dated 25.10.2018 passed in the present case i.e., Cr. Misc. No.  
55248 of 2018 is recalled and fresh order is being passed today.

It has further been submitted by learned counsel for  
the petitioner that in pursuance to the earlier order dated  
25.10.2018 passed in Cr. Misc. No. 55248 of 2018, the  
petitioner has already furnished bail bonds and the same has  
been accepted by the learned court below.



In this situation, the earlier order dated 25.10.2018 passed in Cr. Misc. No. 55248 of 2018 is recalled and today a fresh order is being passed in the present case which are as follows:-

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 407 and 420/34 of the IPC.

The prosecution case, in short, is that one Sitaram Pokhrel, the informant filed a complaint on 20.08.2006 before the Officer-in-charge, Jogbani Police Station, Jogbani, alleging therein that he is the owner of 'Hulas Wire Industries Ltd'. Tanki Sinwari, Biratnagar, Morang, Nepal, which is Nepal Government Undertaking. He had sent Brass Sheets weighing about 23,484 Metric Tones worth of Rs. 67,33,332.48 Paisa through his booking Bill No. V 1635 to 1638 dated 16.07.2006 to 'M/S. Krishna Engineering Industries', Jagdhari (Haryana) and the above consignments were sent through the Truck bearing Registration No. MH-43E-3276, which was hired through Transport Agent, New India Roadlines, Jogbani, Araria, the Proprietor of which, was one Subhash Jha and the owner of the aforesaid Truck was one Akhilesh Brahm Singh, resident of



Aroli Nabi, Mumbai and permanent resident of Balwa Kunwari, Hajipur, Vaishali and the driver was Kanti Sharma and co-driver was Suresh Singh and the Khalasi was one Ramesh. It is further alleged that the above Truck proceeded from Biratnagar, Nepal and crossed the border by paying the custom duty on 21.07.2006, but till 20.08.2006 the said Truck did not reach to destination and still traceless with the assignment.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. The petitioner is not named in the F.I.R. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. In respect of same occurrence, two cases were instituted. One by the owner of the goods and another by the Transporter. The petitioner has not been made accused in both the cases which were instituted by the owner of the goods and the Transporter from where the goods were loaded on the aforesaid Truck. It is further submitted that other co-accused persons have already been acquitted on 14.09.2009 by the learned court below itself.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let



the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Araria, in connection with Jogbani P.S. Case No. 82 of 2006, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

“The bail bonds earlier furnished by the petitioner in pursuance to the order dated 25.10.2018 passed in the present case i.e., Cr. Misc. No. 55248 of 2018 in connection with Jogabani P.S. Case No. 82 of 2006 may be accepted.”

**(Sudhir Singh, J)**

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