

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24679 of 2019

Arising Out of PS. Case No.-211 Year-2017 Thana- MOHIUDDIN NAGAR District-
Samastipur

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MANOJ KUMAR SAH Son of Ramdev Sah Resident of Village - Satna, P.S.-
Baniyapur, Distt - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 20-09-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Mohiuddin Nagar P.S. Case No.211 of 2017 registered
under Sections 406, 379/34 and, later on, added Sections 420
and 120(B)/34 of the Indian Penal Code.

The accusation is that the informant Ram Dayal Rai
being the proprietor of M/s Ganpati Traders, Madudabad,
Station Road, Samastipur, sent 266 packets of rice weighing 160
quintals worth Rs.3,36,800/- to Training Jain, Uttar Dinarpur,
Kaliyaganj, West Bengal, loading on the truck bearing
Registration No.WB53A/4247 of which the driver was Raju
Yadav and the Khalasi was of his brother, fixing the fare of the



truck as Rs.22,400/- and paid Rs.17,000/- as advance. The truck had to reach at its destination on 16.12.2017 in the morning but when the truck did not reach at its destination on such date, then the informant contacted on mobile to Raju, the driver of the truck, who replied that as the tyre of truck has been punctured at Dumohna Raiganj, he could not reach at its destination and after repairing of the same, he will move for its destination. Later on, when the informant contacted to Raju, the driver of the truck, in the evening, then he informed him that he was caught by the Financer at Ghosh Hotel, Dumohna Raiganj, and the owner of the truck is to reach there and when the truck shall be released, then the loaded rice would be delivered on its destination. Thereafter, the informant raised suspicion on the version of the driver and started to search of the truck. In that course, he came to know that the said truck is standing in empty condition in the campus of Maktab School, Sultanpur, P.S. Bhagwanpur Hat, District-Siwan, then the informant went there and found the truck in empty condition. Thereafter, the informant gave information to the Officer Incharge of Bhagwanpur Hat Police Station and went along with him there and took the truck in their possession. In the PAN Card, which was given by the driver of the truck to the informant, the name of the owner of



the truck is detailed as Rizwan Alam, son of Mansoor Alam of village-Madarpur Jalalpur, P.S. Basantpur, District-Siwan. The informant claimed that the driver Raju, owner and Khalasi of the truck sold the rice loaded on the truck.

Learned counsel for the petitioner submits that it would appear from paragraph-29 of the case diary that, in course of investigation, the Investigating Officer of the case went at the house of Raju, the driver of the truck, where he was not found and his father disclosed the name of the Khalasi of the truck as Manoj Kumar Sah, son of Chandrika Sah, resident of village-Satua, Police Station-Baniyapur, District-Saran and on that very basis, the police searched the house of the petitioner but, in fact, the father's name of the petitioner is Ramdev Sah and he is resident of village-Satna, P.S.Baniyapur, District-Saran at Chapra. The petitioner has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-III, Samastipur, in connection with Mohiuddin Nagar



P.S. Case No.211 of 2017, subject to the conditions laid down
under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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