

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26964 of 2019

Arising Out of PS. Case No.-35 Year-2017 Thana- PUWAKHALI District- Kishanganj

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Krishadeo Mishra @ Krishnadeo Mishra @ Krishna Deo Mishra Son of Late Baldeo Mishra, Permanent Resident of Village-Udiya Asadhar, P.S-Angar Ghat, District-Samastipur, State-Bihar At present Residing at Ghokulagote, Mohalla-Gaucharan, P.S-Matigara, District-Darjeeling, State-West Bangal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Surendra Kishore Thakur
		Mr. Nalin Kumar
For the Opposite Party/s	:	Mr. Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 26-07-2019 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner apprehends his arrest in connection with Pawakhali P.S. Case No. 35 of 2017 registered for the offence punishable under Sections 379, 120(B) and 420 of the Indian Penal Code.

Petitioner, who happens to be owner of Baba Road Ways Company provided truck to the informant for transporting raw tobacco. Informant loaded raw tobacco worth Rs. 7,80,000/- on the said truck at Siliguri, but the said truck along with tobacco was found missing on the following day and on claiming his amount by the informant from the owner of the said truck and the petitioner, they refused to pay the same.



It is submitted by learned counsel for the petitioner that the petitioner has no concern with the aforesaid occurrence. He neither happens to be owner of the truck in question nor its driver. He only provided the vehicle to the informant on hire basis provided to him by its owner along with driver being a transporter. The liability for payment of cost of stolen tobacco squarely saddle on the shoulder of the owner of the truck and its driver and not on the petitioner. Petitioner has no criminal antecedent.

On the other hand, learned APP opposed the bail prayer of the petitioner.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six 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 learned C.J.M. Kishanganj in connection with Pawakhali P.S. Case No. 35 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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