

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30856 of 2019**

Arising Out of PS. Case No.-99 Year-2019 Thana- KORHA District- Katihar
=====

HARENDRA KUMAR aged about 41 years, male, Son of Sri Baijnath Sharma Resident of Maurya Bihar Colony, Transport Nagar, P.S.- Agamkuan, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rajiv Prashant, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 14-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 419, 420, 406/34 of the Indian Penal Code registered in connection with Korha P.S. Case No. 99 of 2019.

3. It is submitted that the petitioner has been falsely implicated on the accusation that the goods of the informant being carried on the said truck did not reach their destination at New Jalpaiguri, merely because he happens to be the owner of the truck bearing no. NL01 AA5820. It is submitted that the written report has been submitted after an inordinate delay of about 10 days on 22.02.2019 for the alleged occurrence of 12.02.2019 without explanation for such delay. The F.I.R. finally came to be registered thereafter on 18.03.2019. It is further



stated that the petitioner's truck was looted on the way as it reached near NH 31 near Srikrishnapur fly over in District- Uttar Dinajpur at 11.00 p.m. and for which the driver and khalasi lodged Complaint Case No. M.P. 45 of 2019 in the court of learned A.C.J.M. at Islampur, District- Uttar Dinajpur.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Korha P.S. Case No. 99 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of



failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

5. The provisional bail granted to the petitioner shall stand confirmed upon verification by the learned Court below, preferably within a further period of twelve weeks after furnishing bail bond, that Complaint Case No. M.P. 45 of 2019 was filed in the court of A.C.J.M. at Islampur, District- Uttar Dinajpur prior to 22.02.2019 when the written report in the present case had been filed. In case the petitioner's claim fails upon verification, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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