

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36533 of 2019

Arising Out of PS. Case No.-58 Year-2019 Thana- JOGBANI District- Araria

Kapil Chaudhary @ Kapil Kumar Choudhary, Son of Yogendra Chaudhary,
Resident of Netaji Chowk, Ward No. 07, P.S.- Jogbani, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Shyameshwar Dayal,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-06-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner, in the present case, is seeking anticipatory
bail in connection with Jogbani P.S. Case No. 58 of 2019
registered for the offences punishable under Sections 406, 420
and 120(B) of the Indian Penal Code.

Learned counsel for the petitioner submits that the
informant of this case has lodged two FIRs in respect of the
alleged occurrence wherein he is said to have hired the services
of the agency namely Satyam Road Lines owned by this
petitioner for transportation of the oils worth Rs.15,64,200/-
which were to reach the destination in the district of New
Jalpaiguri within 48 hours, but the consignment never reached
there and seems to have been looted away by the miscreants. It



is submitted that the vehicle which was hired by the agency for sending the goods of the petitioner was found at Kodha police station in the district of Katihar. The informant lodged the second FIR in which he has alleged that the truck owner, driver and the khalasi have conspired together and misappropriated the goods which were loaded on the truck for the purpose of delivery at the destination of the informant. In the second FIR there is no allegation against this petitioner.

Learned counsel further submits that the owner of the truck has been granted privilege of anticipatory bail by a learned coordinate Bench of this Court in Cr.Misc.No.30856 of 2019 vide order dated 15.05.2019. It is also submitted that the petitioner has got no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for anticipatory bail as according to him the goods were entrusted to the agency of this petitioner and, therefore, the petitioner cannot escape from the liability.

Considering the facts and circumstances of the case wherein this petitioner is said to be the proprietor of the agency which is involved in transportation of the goods from one place to another by hiring vehicles from different sources and the fact that in this case the truck loaded with the goods was



found at Kodha police station without goods and then the informant has made specific allegation against the truck owner, driver and khalasi that they have misappropriated the goods and the name of the petitioner is not there in the second FIR as also that the owner of the truck has been granted privilege of anticipatory bail by a learned coordinate Bench of this Court, this Court is inclined to grant anticipatory bail to the petitioner.

Let in case of arrest or surrender of the petitioner within a period of four weeks from today, the abovenamed petitioner be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Jogbani P.S. Case No. 58 of 2019, subject to the condition prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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