

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59432 of 2018

Arising Out of PS. Case No.-327 Year-2017 Thana- CIVIL LINE District- Gaya

Harendra Nath Dubey son of Late Harishanker Dubey, resident of village & PS-Sahiyar, PS-Simri, District-Buxar, Ex District Manager, BSFC, Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bihar State Food Corporation, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mahesh Parbat, Sr. Adv. Mr. Praveen Prabhakar, Adv.
For the State	:	Sri Parmeshwar Mehta, Adv.
For the BSFC	:	Mr. Shailendra Kr. Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

12 26-06-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

In this case, the petitioner is seeking anticipatory bail in connection with Civil Line P.S. Case No. 327 of 2017 registered for offence punishable under sections 467, 406, 409 and 120(B)/34 of the Indian Penal Code.

In the present case, the Corporation identified the vehicle, which is purportedly used, is not the goods carrier but a passenger carrier and in the passenger carrier, they have transported the goods.

This Court, vide order dated 13.02.2019, has directed the District Transport Officer, Hazaribagh (Jharkhand)



to submit a report about the status of vehicle No. JH-02E-2900 and in pursuance thereof, the District Transport Officer has submitted a report dated 21.05.2019, vide Memo no. 396, wherein he has attached the documents relating to the registration of the vehicle which itself shows, the nature of vehicle is a goods carrier as H.G.V. itself indicates, it is a heavy goods carrier vehicle. In second page also it appears that the nature of vehicle has been shown as Tata Motor Truck.

In such view of the matter, the prayer for bail of the petitioner is allowed and he, in the event of arrest or surrender before the court below within six weeks from today, is directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gaya in connection with Civil Line P.S. Case No. 327 of 2017, subject to the conditions as laid down under section 438 Cr. PC and also subject to the condition that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. The petitioner will not induce any witness or tamper with the evidence. The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court. Whenever



the Prosecuting Agency will call the petitioner for the purpose of interrogation/investigation, he would present himself, In case of failure, the prosecution will have liberty to make a prayer even for cancellation of his bail before the court below.

(Shivaji Pandey, J)

Mahesh/-

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