

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57768 of 2019

Arising Out of PS. Case No.-204 Year-2019 Thana- MOHANIYA District- Kaimur (Bhabua)

Jitendra Singh Yadav, Aged about 30 years, Male, Son of Banarsi Singh, R/o
village Baraura, P.S. Ramgarh, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Tribhuwan Narayan, Advocate
For the State	:	Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 18-09-2019 Heard both sides.

The petitioner apprehends his arrest in Mohania P.S. Case No.204 of 2019, registered under Section 406 of the Indian Penal Code.

The gist of the allegation is that the petitioner being the driver of the informant got loaded the oil worth Rs.19,76,228/- and proceeded towards Kolkata but on his way, the petitioner sold the entire oil and fled away leaving the tanker by the side of the road.

Learned counsel for the petitioner submits that the petitioner is not the driver of the tanker of the informant. The father of the petitioner was the driver of the tanker of the informant. There was some dispute with regard to payment of remuneration. Petitioner is a handicapped and the Civil Surgeon granted him handicapped certificate showing that the petitioner suffers 75% disability. It is further submitted that petitioner is not in a position to drive the



vehicle but the learned counsel for the informant filed driving licence of the informant along with the photo copy of the driver standing in front of the tanker after loading the oil in the tanker. It is submitted that later on Sections 411, 420 and other sections were also added. It was the petitioner who not only sold the entire oil loaded on the tanker but also left the tanker by the side of the road and fled away.

It appears from the facts that the informant alleged that the petitioner was the driver of the tanker. He obtained the driving licence on 12.05.2016. The handicapped certificate was issued on 23.01.2016. The photo affixed on the handicapped certificate shows that the right hand of the petitioner was of course polio ridden but the driving licence and the photo copy of the tanker and the standing position of the petitioner show that the petitioner is physically fit and it was he who was driving the tanker. The petitioner is alleged to have sold the oil worth Rs.19,76,228/-.

Taking into consideration the facts aforesaid and the nature of allegations made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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