

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75023 of 2019

Arising Out of PS. Case No.-228 Year-2019 Thana- KUDRA District- Kaimur (Bhabua)

SANTOSH KUMAR SINGH @ SANTOSH SINGH Son of Lal Bihari Singh
Resident of Village - Semariya, P.S.- Mohaniya, Distt.- Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh
For the Opposite Party/s : Mr.Chandra Bhushan Prasad
For informant : Mr. Kumar Sunil

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-11-2019 Heard the learned counsel for the petitioner and
the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Kudra PS case no. 228 of 2019 registered for the offences punishable under Sections 406, 420 of Indian Penal Code.

The allegation in the present case is that the informant who is the proprietor of a transport firm, had engaged the truck of the petitioner for delivering the consignment of 347.10 quintals of wheat from M/s Jagdamba Bhandar, Kudra to M/s Godrej Agro Pvt. Ltd. Ramnagar, however the said consignment of wheat was never delivered and the same is alleged to have been illegally sold. It is also the further case of the informant that the petitioner is the owner of the said truck, who had accepted his responsibility and agreed to pay a sum of



Rs. 5,92,900/- to the firm of the informant and had infact, transferred a sum of Rs. 2,99,999/- in the account of M/s Jagdamba Bhandar, however the balance amount is yet to be paid.

The learned counsel appearing for the petitioner has submitted that no offence under Sections 406, 420 of Indian Penal Code is made out and if at all, any offence is made out, it is under Section 379 of Indian Penal Code and that too is attracted *qua* the driver of the truck who is stated to have stolen the said wheat. It is thus submitted that the petitioner is liable to be granted the privilege of anticipatory bail especially since the present FIR has been lodged belatedly after a lapse of about 03 months.

I have heard the learned counsel for the parties and perused the materials on record. This Court inquired from the learned counsel appearing for the petitioner that if according to the petitioner, the present case is a case of theft committed by the driver of the truck, which belongs to the petitioner, whether any criminal case/ FIR has been lodged against the driver of the truck. The learned counsel for the petitioner, though admitted that an FIR ought to have been lodged against the driver of the truck but he has submitted that no case has been filed against the



driver of the truck. This Court has further put a query to the learned counsel appearing for the petitioner that since it has been admitted by the petitioner to pay a sum of Rs. 5,92,900/- to the firm of the informant, whereupon a sum of Rs. 3 lakhs approximately has also been paid, whether the petitioner is ready to pay the balance amount of money in order to put an end to the unwarranted and continuing litigation resulting in the Court being vexed with petty litigations resulting in wastage of the time of the Court, the answer of the learned counsel for the petitioner was in negative.

Having regard to the facts and circumstances of the case and considering the stand of the learned counsel for the petitioner, as aforesaid, to the queries made by this Court as also considering the fact that the petitioner has already accepted his liability to compensate the informant of this case by already paying a part amount of the aforesaid sum of Rs. 5,92,900/-, this Court is of the opinion that it will not be in the interest of justice to grant anticipatory bail to the petitioner herein, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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