

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2490 of 2020

Arising Out of PS. Case No.-395 Year-2019 Thana- PURNEA SADAR District- Purnia

SURENDRA KUMAR Son of late Rabindra Kumar Resident of Village -
Adarsh Nagar, P.S.- Nawada, Distt - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Advocate.

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

3 19-06-2020 This matter has been taken up through Video
Conferencing.

Heard the parties.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 406 and
420/34 of the Indian Penal Code.

Petitioner is owner of the truck which was carrying
goods of the trader through driver Dhananjay Kumar. The
goods did not reach the destination rather evasive reply was
made to the informant. Hence, F.I.R. has been lodged.



Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent. He was never involved in carrying of goods because the truck was already assigned to the trader. At worst, responsibility would be of the driver.

Learned counsel for the informant seriously opposed the prayer for bail on the ground that vicarious liability of the petitioner cannot be ruled out.

Considering no direct material against the petitioner for the purpose of consideration of prayer for anticipatory bail, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Sadar P.S. Case No. 395 of 2019, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure as well as subject to the following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.



(b) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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