

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17239 of 2020**

Arising Out of PS. Case No.-1279 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

RANJEET KUMAR Son of Late Mohan Prasad Thakur Resident of Village -
Tepari hans Nagar, P.S.- Piar, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Narayan Mishra, Adv.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 14-07-2020 Heard Mr. Satya Narayan Mishra, learned counsel for

the petitioner and Mr. Nitya Nand Tiwary, learned APP for the

State.

The petitioner in the present case is seeking
anticipatory bail in connection with Ahiyapur P.S. Case No.1279
of 2019 registered for the offence punishable under Sections
406/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that this
petitioner had though accepted the consignment from the
informant for transportation of the same but the driver-cum-
owner of the vehicle committed a fraud and entire consignment
was unauthorizedly and illegally sold out somewhere else.

It is his submission that so far as this petitioner is



concerned, immediately after knowing the fact that the delivery was not given in the State of Orissa, he brought it to the notice of the Superintendent of Police (Rural Dhanbad) vide Annexure -2.

It is further submitted that from Annexure '3' it would appear that the owner-cum-driver of the vehicle had entered into an agreement vide Annexure '3' in presence of the representative of the informant saying that he would pay a sum of Rs. 3,42,000/-. He had also paid Rs. 50,000/- to this petitioner which amount has already been deposited in the account of the informant.

Learned counsel submits that Mr. Ajay Kumar had witnessed the agreement as a representative of the informant and at this stage he has instruction from the petitioner to say that he is ready and willing to pay the balance amount of Rs. 2,92,000/- to the informant in four installments within next four months.

Learned APP for the State has opposed the prayer for anticipatory bail and submits that value of the material which has been misappropriated is Rs. 5,35,000/-

Having regard to the facts and circumstances of the case and the submission of learned counsel for the petitioner



that without prejudice to his defence the petitioner is ready to pay a sum of R. 2,92,000/- to the informant's firm in four installment while leaving the remedy of the informant open in accordance with law, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Ahiyapur P.S. Case No.1279 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Muzaffarpur, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that in terms of his own undertaking the petitioner shall be liable to pay Rs. 2,92,000/- in terms of the agreement (Annexure 3) in four installment. For the present while submitting the bail bond the petitioner shall pay a sum of Rs. 75,000/- to the informant and a proof thereof be submitted along with the bail bond within



the aforesaid period. The balance amount shall be paid within next three months in three equal installments as per his own undertaking. The payment shall be made to the informant in the account of the informant's firm and proof shall be periodically filed in the learned court below, failing which it will be open for the court below to cancel the bail bonds of the petitioner.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

