

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19725 of 2020

Arising Out of PS. Case No.-229 Year-2013 Thana- PURNEA SADAR District- Purnia

Santosh Kumar Ray @ Santosh Kumar Roy @ Santosh Roy, S/o Ramswarup Ray, Resident of Village- Shahkund, Harpur, P.S.- Shahkund, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 17-12-2020 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is seeking anticipatory bail in connection with Purnea Sadar P.S. Case No.229 of 2013, registered for the offence punishable under Sections 328, 307, 379 and 34 of the Indian Penal Code.

The allegation has been made in the FIR that on 23.01.2012, the informant having loaded 25 Ton TMT rod of V.D. Goyal Company on his truck bearing registration no. HR-38J-9181 of Loknath Transport, Mukherjee Complex, Durgapur, which was to be unloaded at Saharsa, was proceeded to his destination Saharsa. When he stopped at Zero Mile Purnea at Gupta Line Hotel and requested Satendra Singh to give



Rs.1200/- but he did not give the money. On the said date at about 1.30 P.M. Santosh Roy (Petitioner), driver of the truck bearing registration no. WB-39-6929 and Satyendra Singh, driver of truck bearing registration no. WB-73-7663 along with five persons came to the informant. When the informant requested Satyendra Singh to provide a driver to ply the truck then he offered for Santosh Roy (present petitioner) to drive his truck on remuneration of Rs.2000/-per trip. Thereafter, at the instance of Santosh Roy (petitioner), he had eaten egg which resulted in feeling of uneasiness. Thereafter, he was brought Kursela Hospial from where he came to Hope Hospital for treatment where the informant recovered. It has further been alleged that the truck loaded with material is traceless.

Counsel for the petitioner submits that there is no allegation against the petitioner to have in any manner poisoned the victim and the truck has been made traceless. He has wrongly been implicated in the present case.

Counsel for the State submits that it is modus operandi applied in the State of Bihar in National Highway that by intoxicating or putting poison in the food the victims are made unconscious, whereafter the accused persons do commit murder of the victim as also sell out the material including the



truck.

Looking to the entire facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail is rejected.

However, if the petitioner surrenders before the Court below within six weeks from today and prays for regular bail, the Court below will consider the same and pass appropriate order without being influenced by the order of this Court.

(Shivaji Pandey, J)

V.K.Pandey/-

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