

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24450 of 2020

Arising Out of PS. Case No.-207 Year-2018 Thana- MUFFASIL District- Aurangabad

1. TRILOKI SHARMA @ TRILOKI NATH SINGH S/o Late Laxmi Narain Singh Resident of Village- Late Bhadsara, P.S.- Dulhin Bazar, Distt- Patna.
2. Shashi Singh S/o Triloki Sharma @ Triloki Nath Singh Resident of Village- Late Bhadsara, P.S.- Dulhin Bazar, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s : Mr. Rajballabh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 09-12-2020 Heard Mr. Akhauri Kamal Kishore Sahay, learned counsel for the petitioners and Mr. Rajballabh Singh, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend arrest in connection with Muffasil P.S. Case No. 207 of 2018 registered for the offences punishable under Sections 406, 420, 467, 471 and 120B of the Indian Penal Code.

The allegation as per the First Information Report is that the informant being a transporter, booked 1000 bags of cement through Truck No. BR52G-2565 for Saharsa, but the consignment did not reach its destination and has been



misappropriated by the truck owner Bhushan Singh in conspiracy with the petitioners.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case and there is no material to connect the petitioner in the present offence. The petitioner No. 1 happens to be the father of co-accused Bhushan Singh and petitioner No. 2 is brother of Bhushan Singh. Learned counsel further submits that the petitioners are not having any business relationship with co-accused Bhushan Singh. Bhushan Singh is the owner of the truck and the informant booked the consignment of cement through his truck, but the petitioners were not involved in the said transaction at any point of time. Learned counsel next submits that co-accused Bhushan Singh has been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. 13434 of 2019 after taking into consideration the fact that co-accused Bhushan Singh is owner of the truck and he undertook to pay a sum of Rs.14,12,000/- to the informant which the value of the cement in question. Learned counsel next submits that partition in the family has taken place in the year 2014 and, thereafter, the petitioners and co-accused Bhushan Singh are living separately and the petitioners have no concern with the business activity of the co-accused Bhushan



Singh.

Having heard learned counsel for the parties and taking into consideration the materials on record and the fact that co-accused Bhushan Singh has been granted anticipatory bail by a co-ordinate Bench of this Court conditionally, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Aurangabad, in connection with Muffasil P.S. Case No. 207 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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