

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 26305 of 2020**

Arising Out of PS. Case No.-589 Year-2017 Thana- PURNEA SADAR District- Purnia

PRABHU SAH @ PRABHU SAH Son of Late Ganga Sah Resident of
Duriavgang, Sat Bankura, P.S.- Gharbeta, District- Medinipur (West Bengal).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Satish Kumar Sinha,, Advocate
For the Opposite Party/s : Ms Sucheta Yadav, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **13-10-2020** As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Purnea Sadar Police Station (for brevity, PS) Case No 589 of 2017 instituted for the offence punishable under Sections 406, 420, 379/34 of Indian Penal Code.



Allegation is that 24415 Kgs of Maize was booked from Loknath Road Lines which has not been delivered. On enquiry, the consignor was informed that the truck, in which the maize was sent, belonged to the petitioner.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. It is submitted that if at all, the liability was that of the transporter and not only the truck owner and at the relevant time, the petitioner was ill. Petitioner is said to be a man of clean antecedent.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Purnea in Purnea Sadar PS Case No 589 of 2017 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the



address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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