

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78135 of 2019

Arising Out of PS. Case No.-551 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

RAJESH KUMAR BIND Son of Mahichand Bind Resident of Village -
Basuhari, P.S.- Jamaniya, Dist.- Gajipur (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shanker Sahay

For the Opposite Party/s : Mrs. Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 04-06-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner seeks bail in Bhabua P.S. case No. 551/2019 registered under Section 392 of the Indian Penal Code.

The transporter lodged the case against unknown on the allegation that the petitioner, the truck driver and the owner of the truck came to him for sending a consignment by the truck and on such 251.15 quintals of wheat was loaded on truck bearing registration No. BR06GA-4358. The consignment was to be delivered to M/s Jagnnath Rice Mill Flour Mill, Bhubneshwar but the consignment did not reach even after lapse of two days. The transporter made search and also rang the



petitioner and others but their mobile phones were found switched off. During the course of search, it transpired that driver of the truck pretended to be intoxicated and the truck was looted but in fact the consignment was unloaded in a godown situated in Uttar Pradesh and the entire wheat was recovered. The godown owner also handed over money to the owner of the truck and the same was also recovered.

The learned counsel for the petitioner submits that petitioner is the person who asked transporter to send the consignment by the truck. Now the wheat and price of wheat have already been recovered. The godown owner and others have already been granted bail. The petitioner is in custody since 13.09.2019. The petitioner has already remained in jail for about nine months and he has got no criminal antecedent.

The learned APP, however, opposed the prayer for bail.

It appears that petitioner is mediator who requested the transporter to transport the consignment by the truck but it appears that the driver of the truck, the owner of the truck and the cleaner in collusion with the petitioner diverted the consignment and unloaded the consignment to a place situated in Uttar Pradesh and they received the entire amount but the petitioner is in custody for about nine months.



Considering the facts aforesaid and the nature of allegation made against the petitioner, the petitioner, above named is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Bhabua P.S. case No. 551/2019.

(Prabhat Kumar Jha, J)

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