

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82816 of 2019

Arising Out of PS. Case No.-35 Year-2017 Thana- PUWAKHALI District- Kishanganj

BIJAY KUMAR ROY @ PAGLA Son of Late Basant Kumar Roy Resident of
Chopokharina, Police Station-Bagdogra, District-Darjeeling (W.B.).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 18-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking regular bail in connection with Powakhali P.S. Case No. 35 of 2017 registered for the offence punishable under Sections 379, 120-B, 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per allegation, this petitioner had acted as an agent to make available the vehicle in question. It is submitted that the petitioner is neither owner of the vehicle nor driver or khalasi on the said vehicle and once the raw tobacco was loaded on the vehicle, it was for the driver and owner of the vehicle to take the responsibility of the loaded material and it is not the case of the informant that this petitioner had received a remuneration of all



these transportation.

Learned APP for the State is present and though he opposed the prayer for regular bail of the petitioner but considering the kind of role of this petitioner limited to arrangement of the vehicle in question as also the petitioner is in custody since 13.10.2019 and investigation against him is complete, there is no chance of tampering with evidence and it is not the argument of the prosecution that the release of the petitioner on bail is likely to interfere with the course of trial, let the petitioner above-named be released on bail on furnishing bail bond of Rs.15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Kishanganj, in connection with Powakhali P.S. Case No. 35 of 2017, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(iii) that such 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 or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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