

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13047 of 2021**

Arising Out of PS. Case No.-190 Year-2020 Thana- MOUZA HIDPUR District- Bhagalpur

SUBODH YADAV Son of Peru Yadav Resident of Village - Golahu,
Chandwaranpur, P.S.- Nathnagar (Madhusudanpur), District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha
For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 24-12-2021 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Mojahidpur (Babarganj) P.S. Case
No. 190 of 2020 instituted for the offences under Sections
406/34 of the Indian Penal Code.

The petitioner is said to be the tempo driver of the
informant, who is alleged to have run away with Rs.
2,50,000/-, the sale proceeds of the food-grains which he
was entrusted to deliver to one of the customers of the
informant.

The learned counsel for the petitioner has



submitted that the accusation is absolutely false. There is no denial of the fact that he worked for the informant for the last five to six years but he was not paid his wages regularly. An amount of approximately Rs. 32,000/- was pending towards the arrears of his salary. This case has been lodged only after the petitioner demanded such arrears to be paid.

Precisely for this reason, it has been urged, the F.I.R. has been lodged on 05.09.2020 when the occurrence is said to have taken place on 03.09.2020. He has further submitted that there is no evidence to indicate that the customer of the informant had paid Rs. 2,50,000/- to the petitioner to be reached to the informant. What quantity of which grain was sold is not known. What was the mode of transaction is also not known.

Considering the vagueness of the allegation and the background facts, the petitioner, above named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Mojahidpur (Babarganj) P.S. Case No. 190 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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