

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32590 of 2020

Arising Out of PS. Case No.-297 Year-2019 Thana- BAKHTIARPUR District- Saharsa

SANTOSH CHOUDHARY Son of NANDKISHOR CHOUDHARY Resident
of Village - Tiwari Tola, Ward No31, P.S and Distt.- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate
For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 19-02-2021 Heard Mr. Nafisuzzoha, learned counsel for
the petitioner and Ms. Anita Kumari, learned APP for the
State.

The petitioner seeks bail in anticipation of his
arrest in connection with Bakhtiarpur P.S. Case No. 297
of 2019 dated 26.07.2019 instituted for the offences
under Sections 420, 406 and 34 of the Indian Penal
Code.

Learned counsel for the petitioner has
submitted that the FIR is absolutely unintelligible.
Whatever he could gather from the FIR, the accusation
is to the effect that the informant does business of sale
and purchase of maize along with his brother-in-law. On
a particular day, a vehicle was used for transporting the
grains to the consignee at a distant place. The vehicle



was arranged by the petitioner and one Pintu Bhagat. The query made by the informant regarding the whereabouts of the consignments as also of the vehicle did not elicit correct response from the petitioner.

Hence the FIR.

Learned counsel for the petitioner has submitted that the petitioner is not a handling agent of the informant nor is he a transporter. The vehicle in question also does not belong to him. The only accusation against the petitioner in the FIR is that the vehicle was loaded with the maize crop at the instance of the petitioner and one Pintu Bhagat.

Learned counsel for the petitioner submits that because he is a friend of Pintu Bhagat he has been made accused in this case.

Considering the vague nature of accusation which does not even state whether the consignee has made any grievance or that the owner of the vehicle has not filed any case, the petitioner 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 his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief



Judicial Magistrate, Saharsa in connection with
Bakhtiarpur P.S. Case No. 297 of 2019, subject to the
conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

