

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1253 of 2021

Arising Out of PS. Case No.-36 Year-2020 Thana- PARAIYA District- Gaya

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1. Pappu Kumar, Son of Nand Kishore Yadav
 2. Anil Kumar, Son of Nand Kishore Yadav
- Both are resident of Village - Dargra, P.S. - Madanpur, Distt. - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 02-08-2021 Heard Mr. Birendra Kumar, the learned Advocate

for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their

arrest in connection with Paraiya P.S. Case No. 36 of 2020,

instituted for the offences under Sections 406 and 420/34 of

the Indian Penal Code.

It has been alleged in the F.I.R. that the informant

had hired two trucks from YGC Transport for sending his



goods to Sri Baba Rice Mill Pvt. Ltd. The goods never reached the destination. The owner of the YGC Transport did not provide correct information but gave the registration numbers of the vehicles which were sent to him for transporting the goods. On inquiry by the informant, it was found that those registrations numbers were not of any transporting vehicles but of motorcycles. The informant, therefore, suspected that he has been defrauded. Later, during the course of investigation, it came to the light that the vehicles belonged to one Jitendra Yadav. The vehicles were seized from a garage. Those vehicles have been released in favour of aforesaid Jitendra Yadav, who has been granted bail by the Court below.

So far as the petitioners are concerned, their implication in this case is on the presumption that they were the drivers of such vehicles and such presumption is on the basis of CCTV footage of the house of aforesaid Jitendra Yadav where these petitioners were seen.

The F.I.R. clearly disclosed that the drivers of the vehicles were between the age-group of 30 to 40 years. The



petitioners but are persons of younger age and are brothers amongst themselves. They are the nephews of aforesaid Jitendra Yadav. There could be some complicity of Jitendra Yadav whose vehicles were hired for transporting of goods. It could be possible that those vehicles were being plied by using fictitious registration numbers, but so far as the petitioners are concerned, their role as drivers of the vehicles is only on the basis of suspicion and surmises.

That the petitioners were seen in the house of aforesaid Jitendra Yadav, it has been argued on behalf of the petitioners, is no ground for believing that they were the drivers of the vehicles which never reached the destination.

Regard being had to the facts afore-stated, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Paraiya P.S. Case No. 36 of 2020,



subject to the conditions laid down under Section 438(2) of
the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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