

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65384 of 2021

Arising Out of PS. Case No.-179 Year-2020 Thana- JADIA District- Supaul

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KAILASH KUMAR S/o- Madhuri Chaudhary Resident of Village- Rahatha,
P.S.- Kumarkhand, District- Madhepura. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 08-12-2021 Heard Mr. Murari Narain Chaudhary, learned counsel

for the petitioner and Mr. Akshay Lal Pandit, learned Additional

Public Prosecutor for the State.

Petitioner renews his prayer for bail in connection
with Jadia PS Case No. 179/2020 registered for the offence
punishable under Sections 420, 386/34 of the Indian Penal Code
inasmuch as earlier bail application of the petitioner was
dismissed as withdrawn *vide* order dated 30.06.2021 passed in
Cr. Misc No. 2557/2021 (Annexure-1) with liberty to renew his
prayer for bail after three months.

The prosecution case, in brief, is that the informant
who is engaged in business of food products in the name and
style of “Food Products S.L.B Sumit Ji Premium Quality
Namkin” received a phone call on 07.09.2020 for supply of 135
bags of Chowmin (Kurkure) in 8 KG pack with the request that
the payment would be made on the shop itself. On the basis of
aforesaid offer, the shopkeeper/informant hired a vehicle and
dispatched the said goods to the caller and on way, the delivery



man/driver had talked to one Shyamji, brother of this petitioner on his mobile phone who asked him to come to Jadia Market for delivery of the products. When the pickup van reached Jadia Market, the aforesaid, Shyamji, owner of the mobile with one unknown person came there on a motorcycle and took the pickup van to a lonely place on N.H. Road where accused persons under threat of life unloaded 81 plastic bags of Chowmin (Kurkure) on a tractor and rest 54 bags of said Kurkure were unloaded on a goods carriage auto in which one disabled person was sitting. The informant has further alleged that on the basis of phone call the consignment was dispatched by him and the accused persons were not known to him from before. The name of the petitioner transpired after recovery of the products from the house of the petitioner.

Learned counsel for the petitioner submits that petitioner has not committed any offence as alleged and he has falsely been implicated in this case mainly on the basis of the fact that brother of the petitioner had made the call to the informant for delivery of the goods and the petitioner was not aware about the said call made by his brother. He next submits that the brother of the petitioner resides in the same house where petitioner resides and the products recovered by the police from



the house kept in two separate rooms belong to the brother of the petitioner.

Learned counsel further submits that petitioner is in custody since 23rd of September, 2020 having no criminal antecedents.

Regard being had to the submissions made by the parties and taking into consideration the material on record and the fact that petitioner is in custody since 23rd of September, 2020 having no criminal antecedents, charge-sheet has already been submitted in the matter, there is no likelihood that the petitioner will abscond or tamper with the evidences, if released on bail, and this is the second attempt for bail on behalf of the petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, KAILASH KUMAR be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-5th Supaul/Incharge successor Court in connection with Jadia PS Case No. 179/2020.

(Anil Kumar Sinha, J)

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