

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18415 of 2021

Arising Out of PS. Case No.-55 Year-2020 Thana- KURSAILA District- Katihar

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GOPAL PATHAK S/O LATE GOURI SHANKAR PATHAK, Resident of
Sardar Tola, Gulab Bagh, P.S.- Sadar, District- Purnea. Petitioner/s
Versus

THE STATE OF BIHAR. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh
For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha
Mr. Ratnakar Ambastha
Mr. Rajendra Prasad Sah

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 06-04-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with
Kursela P.S. Case No. 55 of 2020 registered for offence punishable
under sections 406, 407, 420, 457, 468, 471, 120(B) of the Indian
Penal Code.

The present petitioner is a Proprietor of Akhand Bharat
Road Link Transport Limited.

There was a contract between the petitioner and the
complainant for transportation of goods and the petitioner
provided two trucks. The number thereof have been mentioned in
the complaint petition. The goods worth Rs. 7,70,820/- were
loaded in the trucks. The trucks started for destination, but could



not reach. Allegedly the consignment worth Rs.7,70,820/- were misappropriated.

The learned counsel for the petitioner has submitted that the challan shows that the trucks were hired for 16.07.2019 and the date of occurrence is also same, which makes it impossible that on the same day, challan has been issued.

The learned Additional Public Prosecutor, Mr. Shailendra Kumar has submitted that paragraph 39 of the case diary shows that the petitioner is a truck owner, his trucks have disappeared, but there is nothing on the record, which shows that he has filed FIR in respect of missing of his trucks. The real fact is that the petitioner, being the truck owner has misappropriated the articles loaded on it.

Considering above-mentioned facts and circumstances, I do not find to be a fit case for anticipatory bail. Accordingly, the prayer for anticipatory bail is rejected.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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