

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12133 of 2022

Arising Out of PS. Case No.-149 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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RAGHAV SINGH @ RAGHUBIR SINGH S/o- LATE RAM NARAYAIN
SINGH R/o Village- Balaha, P.S. and P.O.- Parsauni, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.
For the Informant : None.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-09-2022 No one appears on behalf of the informant.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406, 379
and 120(b)/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

The informant alleges that on 18.02.2019, at about
09:00 a.m., one truck loaded with refined oil were sent to
Purnea whose driver is the petitioner. Further, though the
consignment was booked through the transport agency of the



informant but the oil did not reach its destination. It is alleged that the petitioner along with the truck went missing and could not be contacted.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case as allegation is that refined oil was loaded on the truck of the petitioner through the transport agency of the informant but the FIR is completely silent about owner of the refined oil which were loaded on the truck through the transport agency of the informant. Learned counsel, thus, submits that the informant himself got the refined oil loaded and thereafter falsely implicated the petitioner. He further submits that no one has come forward to claim the refined oil. He next submits that the informant himself kidnapped the petitioner who is owner-cum-driver of the truck as would be evident from Annexure-2 to the anticipatory bail application. He also submits that since the informant is not the owner of the refined oil and the FIR does not disclose that the owner of the refined oil was pestering the informant that the consignment has not reached its destination then why the present FIR came to be instituted, this fact lends credence to Annexure-2 to the anticipatory bail application.

Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Muzaffarpur Sadar P.S. Case No. 149 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and further, in the event, if the police, after investigation, submits charge-sheet against the petitioner the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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