

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15995 of 2022

Arising Out of PS. Case No.-268 Year-2021 Thana- RAJPUR District- Buxar

JITENDRA TIWARI @ JIUT TIWARI Son of Late Baldev Tiwari Resident of
Village - Chhotaki Nainizore, P.S.- Nainizore, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Mishra

For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-08-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence under Section 420, 406 & 34 of the Indian Penal Code.

As per the prosecution case, the informant loaded 248.45 kg. wheat worth Rs. 5,41,869/- on the truck and paid Rs. 25,000/-, as its fare in the account of proprietor (petitioner), but when after 3-4 days the truck did not reach at its destination, he inquired from petitioner, but petitioner did not give satisfactory reply. The informant raised suspicion that petitioner, in connivance with driver of the truck, has stolen wheat of informant and sold the same for personal use.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case. He was nowhere in



picture. It was the driver and the transporter, who were responsible for the alleged occurrence. Petitioner is merely owner of the truck and truck was being driven by the driver and petitioner never accompanied with the driver. As a matter of fact when the petitioner received information that truck could not reach its destination, he being owner of the vehicle started searching the truck, but could not traced out and thus, petitioner is also one of the sufferer and has not committed any cheating or fraud with the informant.

However, learned A.P.P. for the State opposed the bail petition and submitted that petitioner is owner of the truck, on which, wheat of the informant was loaded and responsibility of carrying and delivering of loaded material to its place of destination goes to driver as well as owner and petitioner, being owner, cannot escape from the liability.

Considering the same, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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