

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23795 of 2022**

Arising Out of PS. Case No.-78 Year-2020 Thana- MAKHDUMPUR District- Jehanabad

Munna Kumar @ Nirahua Son of Ram Babu Yadav R/O- Village- Sahbajpur,  
P.S.- Kako, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      26-08-2022                      Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State through virtual Court proceedings.

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

The petitioner seeks bail in connection with Makhdumpur P.S. Case No. 78 of 2020 registered for the offence under Sections 406 and 420 of the I.P.C.

The accused/petitioner is named in the F.I.R. and is in custody since 29.11.2021.

The allegation against the petitioner is to sell paddy weighing 18590 kg. belongs to informant along with other co-



accused persons.

Learned counsel appearing on behalf of the petitioner submitted that the F.I.R. itself is contradictory as in the first part, the name of driver is mentioned as one Madhusudan Kumar, while in the last part of the written complaint, the name of petitioner is mentioned as driver. It is further submitted that admittedly, the petitioner is a driver and as he refused to work with informant, his name has been falsely implicated after ten days of present occurrence. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that there is a contradiction as regard to name of drivers.

Considering the facts and circumstances as mentioned above, as F.I.R. is contradictory suggesting different names of driver for same set of occurrence coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Makhdumpur P.S. Case No. 78 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the



like amount each to the satisfaction of learned A.C.J.M.-III,  
Jehanabad/concerned court, subject to the conditions as  
mentioned under Section 437 (3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

pooja/-

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