

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25437 of 2022

Arising Out of PS. Case No.-141 Year-2021 Thana- SIKTA District- West Champaran

RAJ KUMAR S/o Hari Sah R/o- Nahar Chauk, Sikta Bazar, P.S.- Sikta,
District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-08-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Sikta P.S. Case No. 141 of 2021 for the offences under
Sections 420/34 of the Indian Penal Code and Section 7 of the
E.C. Act.

Written report was submitted by the informant,
Dhirendra Kumar Singh, the Block Agriculture Officer, Sikta in
which he has stated that on secret information, one vehicle
bearing Registration No. BR06P-5664 loaded with 20 bags
DAP was intercepted and as the driver failed to produce any
paper and only disclosed his name as Raj Kumar, (the petitioner



herein) and further that the fertilizers has been purchased by one Manoj Kumar from the shop of Guddu Tiwari of Narkatiganj and he was only transporting the same. On the said written report, the FIR was lodged and the petitioner has been taken into custody.

Learned counsel for the petitioner submits that the petitioner being a driver, he had no knowledge of whether the document of the said fertilizer is present or not and was only carrying the said fertilizer from the shop of Guddu Tiwari to that of Manoj Kumar which was truly stated before the said officer when the vehicle was intercepted. He further submits that the Manoj Kumar, who had purchased the fertilizer was granted the privilege of anticipatory bail by the Court of learned Sessions Judge, West Champaran in ABP No. 2631 of 2021 on 09.02.2022, as contained in Annexure-3 to the bail application whereas the petitioner being the driver of the said vehicle is in jail since 08.03.2022 (as stated in paragraph-13 of the bail application) despite the fact that he has no criminal antecedent.

Taking into account the aforesaid facts that the petitioner is the driver of the vehicle and the man who had purchased the fertilizer was granted the privilege of anticipatory bail, charge sheet stands submitted and he is in jail since



08.03.2022, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of SDJM, Bettiah, West Champaran in connection with Sikta P.S. Case No. 141 of 2021, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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