

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37012 of 2021

Arising Out of PS. Case No.-29 Year-2021 Thana- TARAIYA District- Saran

RAJESH KUMAR SAHNI @ RAJESH SAHNI S/O DAROGA PRASAD
R/o village- Jangal Ramlakhna, P.S.- Khodabar, District- Gorakhpur (U.P.)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishwajeet Singh, Adv.

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

4 17-05-2022 The applicant/accused in Crime No. 29 of 2021 registered with Taraiya Police Station for the offences punishable under Sections 406, 420, 120-B of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial.

Heard both sides.

The learned counsel for the applicant argued that the phone number mentioned in the FIR as well as record of investigation claiming to be belonging to the applicant is not matching with the evidence collected by the prosecution. It is further argued that on the basis of confessional statement of other accused persons, the applicant is falsely implicated in the crime in question though he was not driver of the subject truck.

The learned Additional Public Prosecutor opposed the



application by filing counter affidavit and argued that on the basis of confessional statement of the applicant, key of the truck was recovered and then the truck was recovered.

I have considered the submissions so advance and also perused the material placed on record. The offence alleged is that punishable under Section 406 of the Indian Penal Code. According to the prosecution case, iron rods weighing 15450 kilograms costing Rs. 802765/- were entrusted to the applicant for transportation by the truck driven by him. Owner of that material Mahesh Prasad had claimed that the driver along with the truck had not delivered the material and had misappropriated the same.

The material was entrusted to the applicant. The confessional statement of the applicant had yielded in recovery of the key of the truck by which the material was transported and ultimately the truck was also recovered on the basis of confessional statement of the applicant. According to the prosecution case, the applicant has sold the material to others.

In this view of the matter, considering the nature of crime, the applicant is not entitled to be released on bail. Therefore the order:-

The application is rejected.



As the applicant is under trial prisoner, the learned trial court should take up the trial and finish it of expeditiously according to its own calendar.

(A. M. Badar, J)

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