

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38073 of 2021

Arising Out of PS. Case No.-268 Year-2020 Thana- KATIHAR MUFFASIL District- Katihar

PRAMOD KUMAR SHARMA Son of Late Durga Prasad Sharma Resident
of Mohalla - Naya Tola, P.S.- Katihar Town, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lal Babu Singh, Advocate

For the Opposite Party/s : Mr.Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420, 479 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that he manufactures *sutali* and jute bags and sells the same in different markets of India by engaging truck on rent for transporting his products from the place of manufacturing to the market and for that purpose on 15.10.2020, the informant hired truck from the petitioner who is running a business as transporter at Katihar in the name and style of Sharma Road Lines, it is next alleged that the truck was hired on 15.10.2020



and *sutali* worth Rs. 8,82,735/-was loaded on the truck for its onward journey to Punjab and the truck was to reach its destination by 22.10.2020 but when the truck did not reach its destination on 23.10.2020, thereafter the present F.I.R. came to be instituted alleging that the truck owner has committed theft of goods and sold the same.

Learned counsel for the petitioner submits that the petitioner is not the owner of the truck rather he runs a business in the name and style of Sharma Road Lines where he hires trucks from the transporters and accordingly earns his commission, it is next submitted that when the goods did not reach its destination on the time fixed, the petitioner himself instituted Katihar Muffasil P.S. Case No. 236 of 2020 against the driver and the owner of the truck. Learned counsel next submits that had the petitioner instituted a false case then definitely police during the course of investigation would have arrived at the said conclusion but till date nothing has come in the investigation of the F.I.R. instituted by the petitioner that petitioner in any manner was responsible for committing the occurrence. It is next submitted that since the goods of the informant was insured as such for seeking insurance, the present F.I.R. came to be instituted only against the petitioner whereas



the F.I.R. should have been instituted against the driver and the owner of the truck in question, learned counsel submits that for the last 10 years the petitioner is running this business with a blemishless record.

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 and in the nature of allegations as alleged, 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) each 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 Katihar Muffasil P.S. Case No. 268 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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