

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41237 of 2022

Arising Out of PS. Case No.-90 Year-2022 Thana- GAIGHAT District- Muzaffarpur

PREM CHANDRA KUMAR Son of Upendra Singh Resident of Village -
Kanta Pirouchha, P.S.- Gaighat, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-11-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State in the Virtual Court proceeding.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 414/34 of the Indian Penal Code and Section 7 of the E.C. Act.

As per prosecution case, in brief, is that the informant, Block Agriculture Officer, Gaighat, Muzaffarpur has alleged in his written complaint that on 24.02.2022 at about 1:30 P.M. during course of inspection, a six wheel truck having Registration No. BT 06 GE-7283 had been caught at N.H. 57, Hanuman Mandir, Pirouchha, Muzaffarpur-Darbhanga lane, which is loaded with



fertilizer and the driver of the truck caught hold whose name is Roushan Kumar. It is further alleged by the informant that on search total 210 bag of fertilizer of different mark has been seized from the truck and handed over in safe custody.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that the petitioner is the owner of the truck in question but the same was handed over to his driver namely Roushan Kumar, who apprehended with the fertilizer. He further submits that the petitioner has no knowledge that from where the driver of the truck had loaded the fertilizer and where it was to be delivered by the driver. He further submits that the petitioner has no concern at all with the alleged occurrence and he has been falsely implicated in the present case only being the owner of the truck in question.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Court below where the case is pending in connection with Gaighat (Benibad O.P.) P.S. Case No. 90 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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