

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64609 of 2021**

Arising Out of PS. Case No.-151 Year-2021 Thana- OBRA District- Aurangabad

Santosh Kumar Shrivastava Son Of Dashrath Lal Resident Of Mohalla- Ward
No. 15, Mohania, P.S. Mohania, District- Kaimur (BHABUA)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad

For the Opposite Party/s : Mr.Parmeshwar Mehta

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 23-08-2022 Heard learned counsel for the petitioner, the State and
the informant.

Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 419/420 of the Indian
Penal Code.

As per the prosecution case, despite receipt of
delivery of rice worth Rs.6,24,160/- from the informant's firm,
petitioner did not pay the said amount to him till date.

Learned counsel for the petitioner submits that the petitioner
has falsely been implicated in this case due to business rivalry.
Petitioner is merely a transport broker and is no way connected
with selling of rice rather he provided a truck to the informant
for transporting its packets of rice to the informant. It is further
submitted that there is delay of four months in



lodging of the FIR and there is no plausible explanation of delay. It is stated in paragraph 3 of the bail petition that the petitioner has got clean antecedent.

Learned counsel for the State and the informant oppose the prayer for bail submitting that on 8.3.2021 it was the petitioner who contacted the informant through this mobile phone for delivery of rice only thereafter, informant sent the said consignment to the petitioner. On delivery of consignment, petitioner had also informed the informant regarding receipt of the same. Learned counsel for the informant submits that the petitioner cannot escape from the liability of payment of price of the rice received by him on his demand.

Considering the specific allegation against the petitioner, his prayer for bail is refused with direction to surrender and seek regular bail which would be considered and disposed of on its own merit without prejudice.

(Prabhat Kumar Singh, J)

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