

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56439 of 2022

Arising Out of PS. Case No.-93 Year-2021 Thana- KURSAILA District- Katihar

ATUL KUMAR Son of Audh Narayan Pandey @ Awadh Narayan Pandey
Resident of Village - Ramgarhwa, P.s.- Ramgarhwa, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra
For the Opposite Party/s : Mr. Binod Kumar No.3

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-12-2022 Heard learned counsel for the petitioner as well as
learned APP for the State.

The petitioner apprehends his arrest in a case registered for the offence punishable under section 406, 420, 379, 120(B) of the Indian Penal Code.

Allegedly, the informant loaded maize on truck bearing no.BR06GE-9111 valued at Rs.6,86,430/- and sent the same to Biramgaon Gujarat but till date the said truck with maize could not be delivered at destination. The petitioner is the partner of owner of the said truck. The allegation against the petitioner is that the petitioner with a conspiracy cheated the informant by committing fraud.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He



has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The name of the petitioner transpired in the present case only on impression that he is the partner of the owner of the truck, though he is not a partner rather he is only the guarantor of the said truck. He submits that the said truck was being ploughed through transporter Krishnadeo Rai and the petitioner has no role in sending the consignment for its delivery. There is no specific overt act against the petitioner. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, as there is general and omnibus allegation against the petitioner, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in Kursela



P.S. Case No.93 of 2021, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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