

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68866 of 2021**

Arising Out of PS. Case No.-22 Year-2021 Thana- BHABHUA District- Kaimur (Bhabua)

AKIL AHMAD S/o Late Ebrahim R/o village- Near Talpur Railway Line,
P.S.- Baheri, District- Barailly (U.P.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate.

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Bhabua P.S. Case No. 22 of 2021 for the offence punishable
under Sections 420, 407, 409, 120B, 504 and 506 of the Indian
Penal Code.

As per the allegation, the informant hired a Truck
bearing Registration No. UP22AT2695 allegedly owned by the
petitioner which was located by a transporter, namely, co-
accused Sanjiv Singh and dispatched rice costing Rs.5,51,3330/-
for its delivery to a firm at Bahedi in U.P., but the rice was not



delivered to the firm at Bahedi. Allegation against the petitioner is that he in conspiracy with other co-accused misappropriated the entire rice and also committed cheat.

Mr. Ranjnikant Pandey, learned counsel appearing on behalf of the petitioner submits that the petitioner is in custody since 04.07.2021. The owner of the Truck bearing Registration No. UP22AT2695, namely, Sanjiv Kumar has already been released on bail by the court below itself. Petitioner has been identified by the informant that he was sitting on the driving seat. There is no specific allegation against the petitioner that while the alleged truck loaded with the rice was dispatched, the petitioner was seen by the informant to be on the driving seat of the above mentioned truck.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that the petitioner was engaged in illegal trade and black marketing of rice and alleged truck was loaded with 250 quintals of rice. If the petitioner is released on bail, it will not be in the public interest.

Considering the nature of accusation made against the petitioner as per the F.I.R., the owner of the truck has already been released on bail and period of custody already undergone by the petitioner, the petitioner, above named, is directed to be



enlarged on bail 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 Chief Judicial Magistrate, Kaimur at Bhabua in connection with Bhabua P.S. Case No. 22 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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