

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11479 of 2023

Arising Out of PS. Case No.-193 Year-2022 Thana- BASANHI District- Saharsa

SUBODH KUMAR Son of Yogendra Sah R/o Ward no. 7, Paroria, P.S-
Ujiyarpur, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Fahimuddin, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-05-2023 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 379, 406, 420, 34 of the Indian Penal Code.

Allegedly, the truck bearing No. BR-02GA-6681 was loaded to deliver the maize to Sankrail Agro Poltries Pvt. Ltd., Chunpara, Kharagpur, West Bengal, but it did not reach there.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. Petitioner is proprietor of Maa Durga Road Line and his work is to connect the dealer and the owner. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He has no concern with the alleged occurrence. It is further



submitted that petitioner is a middle man. The informant himself admitted that he talked to the driver as well as the owner of the truck in question who assured him that the goods would be delivered at the destination till next morning. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioner is serious in nature, hence he does not deserve anticipatory bail.

Considering the facts and circumstances of case as well as the argument of the parties, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order in accordance with law without being prejudiced by this order on the very date of surrender.

(Anjani Kumar Sharan, J)

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