

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11929 of 2023

Arising Out of PS. Case No.-21 Year-2020 Thana- HALSI District- Lakhisarai

MAHESH PRASAD @ MAHESH MANDAL Son of Late Vishnu Prasad R/o
Mohalla- Gopal Bhandar Gali, Ward No. 26 Naya Bazar, P.S.- Kabaiya,
District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv.
For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public Prosecutor
for the State.

Petitioner seeks bail, who is in custody since 11.12.2022
in connection with Halsi P.S. Case No.21/2020, F.I.R. dated
05.02.2020, for the offences punishable under Sections 406, 420
and 34 of the Indian Penal Code.

According to prosecution case, the informant hired 14
wheel truck from the petitioner who is transport contractor on
commission agent of South India Road Line Transport, Jamui,
Chowk, Lakhisarai. It is alleged that 30.405 kg of rice was loaded
in the said truck and the said truck left for Chandauli (U.P.) but the
said truck has not reached to the destination. The informant
suspects that the rice has been de-routed in connivance of driver



and owner of the said vehicle.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. The petitioner has not committed any offence, as alleged in the F.I.R. He further submits that in fact the petitioner is transport Contractor on commission basis of South India Road Line Transport Jamui chowk, Lakhisarai and his job is confined of merely providing transportation and the truck in question has not reached at the place of destination i.e. from Lakhisarai to Chandauli (U.P.). He further submits that the truck was hired by the informant and no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. The petitioner is neither the owner nor the driver or the khalasi of the truck in question and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 11.12.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like



amount each to the satisfaction of Shri Pappu Kumar Pandit, First Class Judicial Magistrate, Lakhisarai in connection with Halsi P.S. Case No.21/2020, subject to the 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 witnesses, 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 antecedent, 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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