

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15274 of 2023

Arising Out of PS. Case No.-158 Year-2018 Thana- PATEPUR District- Vaishali

Mantosh Kumar @ Manish Kumar Son of Lakhindra Ray R/O Vill.- Saidpur
Rajauli, P.S.- Hajipur Sadar, Distt.- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Food Corporation, Bihar, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Amresh Kumar Sinha, Advocate
For the Opposite Party/s :	Mr. Parmeshwar Mehta, A.P.P.
For the BSFC :	Mr. Shailendra Kumar Singh, Advocate
	Ms. Usha Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-05-2023 Heard the parties.

Petitioner apprehends arrest in a case registered for the offences punishable under Sections 452, 341, 323, 354(A), 354(B), 379, 504, 506/34 of the Indian Penal Code.

Prosecution case, in short, is that certain quantity of wheat was misappropriated for black marketing by the accused persons. Petitioner is driver of truck bearing no. BR 02GA 1427.

Learned counsel appearing for the petitioner submits that truck in question was not loaded in presence of the petitioner and he had no knowledge about the misappropriation of wheat for black marketing. Petitioner is only a driver and he was simply following instruction of the owner of the truck. It is



further submitted that similarly situated co-accused persons have already been granted anticipatory bail by co-ordinate Benches of this Hon'ble Court *vide* orders dated 16.11.2019 and 28.03.2019 passed in Cr. Misc. No. 45219 of 2019 and Cr. Misc. No. 17100 of 2019 respectively. Petitioner has got clean antecedent.

Considering the facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-X, Vaishali at Hajipur in connection with Patepur P. S. Case No. 158 of 2018, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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