

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22215 of 2023

Arising Out of PS. Case No.-590 Year-2022 Thana- ALOULI District- Khagaria

Raj Kumar Ray @ Brahmadeo Ray, Son of Ramji Ray, Resident of Village -
Kachhua, P.S.- Kusheswar Asthan, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Prasad, Advocate

For the Opposite Party/s : Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Alauli P.S. Case No. 590 of 2022 registered on 25.12.2022 for the alleged offences under Sections 409, 411 and 120B of the Indian Penal Code, Section 7 of the E.C. Act and Sections 3(3), 28(1)(a)(b), 35(1)(b) and Rule 5 of the Formet-B-FEO, 1985.

3. As per prosecution case, petitioner is the driver of the tractor owned by co-accused Shivanand Rai. Petitioner was apprehended with the tractor while he was carrying urea fertilizer on his tractor to a relative of the owner of the tractor without any documentation.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. The petitioner is simply a driver of the said tractor and has no concern with the seized articles. It appears from the FIR itself that the petitioner was carrying the fertilizer on the instruction of the owner of the tractor and was taking the seized articles to his relative. It has also come from the FIR that the articles were purchased from a shop and if there was any fault it was on the part of the shop owner and the owner of the tractor and not on the petitioner who was merely a driver. Petitioner is in custody since 26.12.2022 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned App opposes the prayer for bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague nature of allegation against the petitioner and also considering his period of custody and submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Khagaria/court concern in connection with Alauli P.S. Case No. 590 of 2022, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and other



the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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