

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23897 of 2023

Arising Out of PS. Case No.-9 Year-2022 Thana- SAHJAHANPUR District- Patna

Rahul Devraj, Gender-Male, Aged about 24 years, Son of Ravindra Goop Raj
Resident of Village- Horil Bigha, P.S.- Daniyawa, Distt- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Samrendra Kumar Jha, Advocate
For the Opposite Party : Mr. Madan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Shahjahapur P.S. Case No. 09 of 2022 dated 06.02.2022,
instituted for the offence punishable under Sections 406, 420
and 34 of the Indian Penal Code.

3. The prosecution case, in short, is that in the process
of transportation of the cement bags, the petitioner along with
other co-accused sold cement bags which belongs to the
informant without his consent. It is further alleged that the act of
the petitioner caused him loss of Rs. 5,52,600/-.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that From perusal of F.I.R., it is



evident that all trucks were sent to their destination with cement bags on 27.10.2021, 03.05.2021, 22.06.2021 and 30.10.2021 respectively but could not be reached on destination and the F.I.R. was lodged on 06.02.2022, almost six months after the alleged missing of trucks which creates doubts on the prosecution. It is also submitted that the truck bearing Registration No. BR21GC 5992 was sent to Jamui on 03.05.2021 and later on the said truck was sent to Dehri-on-Sone on 22.06.2021 which made the version of prosecution false as informant stated that the alleged truck was not reached on its destination. From perusal of the F.I.R., it is evident that as per delivery challan at Dehri-on-Sone out of 500 cement bags 181 bags were received and the rest 318 bags were returned as it was found in damage condition and only one bag was found missing. Further, it is submitted that the petitioner is labour who load and unload the goods on the said truck and due to dispute of labour charges with the informant, the petitioner was implicated in the present case. It is further submitted that the petitioner is not involved in the alleged sell of cement. Lastly, it has been submitted that the petitioner is in custody since 15.12.2022, charge-sheet has been submitted in the case and he has four criminal cases against him.



5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned JM-1st Class, Patna City in Shahjahapur P.S. Case No. 09 of 2022, 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(3) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.



(4) 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.

(Khatim Reza, J)

Gaurav Kumar/-

U		T	
---	--	---	--

