

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26080 of 2023

Arising Out of PS. Case No.-273 Year-2022 Thana- JAKKANPUR District- Patna

GOPAL KUMAR SON OF LATE ASHOK PRASAD R/O PATRKAR
MAKHAN GALI, P.S.- PATLIPUTRA, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Jakkanpur P.S. Case No. 273 of 2022, registered for the offences punishable under Sections 420 and 379 of the Indian Penal Code.

The allegation is regarding the informant having loaded mangoes and lichies in the tempo of the petitioner on the alleged date and time of occurrence from Mithapur vegetable market, Jakkanpur, Patna, however, the consignment was not delivered at the place where it was sent and it is alleged that the petitioner had misappropriated the same, value whereof has been assessed to be



a sum of Rs. 52,600/-.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that though the petitioner is accused in two other criminal cases but he is on bail in the said two cases. It is also submitted that the present case has arisen only on account of the petitioner having not entered into a compromise in connection with Jakkanpur P.S. Case No. 511 of 2021, lodged against the informant, on the allegation of him having assaulted the petitioner herein brutally. Lastly, the learned counsel for the petitioner has submitted that it is not possible that a person with whom the petitioner is having animosity, would book vegetables/fruit consignment with the petitioner for being delivered by him using his tempo, however, the real fact is that no consignment was ever loaded on the tempo of the petitioner inasmuch as no proof regarding the same has been produced by the



informant by way of bill, consignment note etc.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the present case arises out of case and counter case and there is no chit of paper to suggest that the consignment was booked with the petitioner, to be carried by him on his tempo, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial



Magistrate-1st, Patna in connection with Jakkanpur
P.S. Case No. 273 of 2022,subject to the conditions
as stipulated under Section 438(2) of the Code of
Criminal Procedure.

(Mohit Kumar Shah, J)

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