

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30946 of 2023**

Arising Out of PS. Case No.-431 Year-2021 Thana- FORBESGANJ District- Araria

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Dhiraj Kumar @ Dheeraj Kumar Pandey Son Of Shatrughan Pandey Resident
Of Village-Malda, Police Station-Shikarpur, W. No. 12, District-West
Champanan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 05-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with T.R. No.

1645 of 2022 arising out of Forbesganj P.S. Case No. 431 of

2021 registered for the offence under Sections 420, 406, 379/34

of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in

custody since 05.09.2022.

The allegation against the petitioner is to commit

criminal breach of trust and also to cheat informant and while

committing so sell out the entire consignment of maize loaded



with the truck of petitioner bearing registration no. BR06GE-9111.

Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated with present case out of certain fare differences as admittedly the truck in issue was taken on hire basis by informant. It is also pointed out that narration of the FIR suggesting that informant himself was available with alleged truck and as such there is no occasion to deviate the consignment and to breach the trust. Is is also submitted that other co-accused persons are family members which only suggest previous enmities. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail, and, moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above as narration of FIR suggest that informant himself was available with alleged consignment, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 05.09.2022, accordingly, petitioner above named,



is directed to be released on bail in connection with T.R. No. 1645 of 2022 arising out of Forbesganj P.S. Case No. 431 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Araria/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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