

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40685 of 2023

Arising Out of PS. Case No.-641 Year-2022 Thana- NATHNAGAR District- Bhagalpur

CHANDAN KUMAR Son of Arvind Choudhary Resident of village - Dimha
Abhiya, P.S. - Gopalpur, Distt. - Naugachia, Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner apprehend his arrest in connection
with Nathnagar P.S. Case No. 641 of 2022 registered for the
offences punishable under Sections 420, 379, and 34 of the
Indian Penal Code.

3. Prosecution case is that the informant Piyush
Kumar, who is the owner of M/S Prabhu Kripa Bhandar,
transported 27770 KG rice, worth Rupees 5,66,508 to Burdwan
by the truck which was owned by the co-accused Arvind Kumar
and his partner Rajesh Yadav through transporter M/S Guru
Nanak Transporter, owned by the petitioner Chandan Kumar.
Driver of the truck was co-accused Gautam Yadav. It is alleged
that they together misappropriated the rice consignment of
informant which be transported by the said truck.



4. It is submitted on behalf of the petitioner that the petitioner has been falsely implicated in the present case only because he is owner of the transport agency. It is further submitted that the rice was transported after the informant was satisfied with documents of the truck. Petitioner, as a transporter only acted as mediator for the purpose of facilitating the transportation of goods of the informant. Petitioner is no way responsible for this missing consignment of the informant.

5. Learned counsel for the informant vehemently opposes the prayer of bail of the petitioner.

6. Considering the facts of the case, this pre-arrest bail petition is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Nathnagar P.S. Case No. 641 of 2022, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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