

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49486 of 2023

Arising Out of PS. Case No.-808 Year-2022 Thana- DEHRI TOWN District- Rohtas

Shahid Raza Khan @ Saanu Son of Md. Ahmed Raja Khan Resident at ward no. 5, Pathan Pura, Lakhanpur, P.S. - Lakhanpur, Distt. - Saraguja, (State - Chhattisgarh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad

For the Opposite Party/s : Ms. Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-08-2023 Heard the learned counsel for the petitioner and the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Dehri Nagar P. S. Case No. 808 of 2022, registered for the offences punishable under Sections 406, 420A, 467, 468, 471 and 34 of the Indian Penal Code.

3. The prosecution story in brief is that on 19.10.2022 a written complaint was made by the informant to the S.H.O. P.S. Dehri (T) stating that he is engaged in sell and purchase of rice, paddy and other grains and runs his business in the name and style of the KGN Trading at Dehri,



Rohtas. He further alleged that he had to send 30 tonnes 110 kgs of Mansuri rice to Satyam Balaji Rice Mill, Chhata Muda, Raigarh (Chhatisgarh). He also alleged that a transporter namely Mohd. Sagir Ahmad was engaged and this transporter sent a truck bearing Regn. No. CG15-DH-8114 along with driver and cleaner on 03.10.2022. The name of the driver was Anuj Kumar Kewat. He took the mobile number of the driver. Thereafter, the fare was negotiated and fixed at Rs. 39,143/- and Rs. 25000/- was paid as an advance. The driver started for Chhatisgarh and the informant was in contact with him through mobile till the morning of 06.10.2022. On 10.10.2022, the informant received a call from P.S. Chakarhatta and he was called to the police station where he found that driver and cleaner of the aforesaid truck were arrested by the police. The informant has alleged that the transporter Sagir Ahmad; driver of the truck, whose actual name is Shashi Kant Yadav; the cleaner whose actual name is Anup Kumar Yadav; owner of the truck Shahid Raza Khan @ Sanu (the petitioner) and Nand Lal Verma entered into a conspiracy and sold the rice



loaded on the truck and misappropriated the money received therefrom.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that as per the FIR he is the owner of the truck involved in the alleged offence. He also submits that he has already sold this truck way back in the year 2020 to one Firoz Khan and he has filed a copy of the sale document as such he is no way involved in the alleged offence. He further submits that on the basis of same transaction, another FIR has been lodged in Uttar Pradesh being Crime No. 41 of 2022 under the same Sections of IPC and in that case, petitioner has already got anticipatory bail.

5. It is also stated in paragraph no. 2 of the petition that no similar petition has been earlier filed by the petitioner either before this Court or before the Hon'ble Apex Court.

6. It has further been stated that the petitioner has no criminal antecedent.



7. However, the learned APP for the State has opposed the prayer for bail.

8. Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. S.D.J.M., Dehri, Rohtas, in connection with Dehri Nagar P. S. Case No. 808 of 2022, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

9. The application stands allowed accordingly.

10. The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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