

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46889 of 2023

Arising Out of PS. Case No.-240 Year-2021 Thana- BALIYA District- Begusarai

Suraj Kumar Choudhary Son Of Ram Narayan Choudhary Resident Of
Gairabari Bazar Generbari Korha Katihar Thana Kodha District Katihar
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Chandan Kumar Kashyap, Advocate
For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Ballia P.S. Case No. 240 of 2021 registered for the offences punishable under Sections 406, 420, 379/34 of the Indian Penal Code. He has no criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, the informant has alleged that he has a scrap shop near Chand Baby Line Hotel, N.H.31 Ballia and on 09.07.2021, while booking of a truck for Muzaffarnagar (U.P.) the brother of the informant asked about the paper of the vehicle from the driver, then he disclosed the name of the owner of the said truck as Ashutosh Kumar and produced the necessary documents of the said truck. It is further alleged that on 10.07.2021 the informant loaded the articles on



the truck and sent the same for Muzaffarnagar, but the driver did not call him and, on 17.07.2021, the informant received a call on his mobile that the articles were sold away. Thereafter the informant searched the vehicle but the vehicle was not found.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. He is not named in the F.I.R. Learned counsel submits that in course of transport business, goods in question were loaded on the truck which were being transported through a driver and it is the said driver who is said to have not delivered the goods at the destination of the informant.

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

6. Having regard to the submission that this petitioner is proprietor of M/s Jay Maa Vaishno Road Lines, Gairabari, Katihar and that in course of said transport business goods in question were loaded on a truck which were being transported through a driver of the vehicle and it is the said driver who is said to have not delivered the goods at the destination of the informant, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail



bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Ballia P.S. Case No. 240 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C., provided he produces the documents showing that he is the proprietor of the firm namely Jay Maa Vaishno Road Lines, Gairabari, Katihar, on being satisfied with the documents of status of the petitioner as proprietor of the transport firm, the learned court below shall accept the bail bond.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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

