

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47245 of 2022

Arising Out of PS. Case No.-78 Year-2020 Thana- MAKHDUMPUR District- Jehanabad

FARUK ANSARI @ MOHD HARUN RASHID, son of Irfan Ansari Village-
Bithosharif, P.S.-Chandauti, District-Gaya (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection
with Makhdumpur P.S. Case No.78 of 2020 instituted under
Sections 406 and 420 of the Indian Penal Code.

As per the FIR, the informant alleged that he had
given a truck to Shri Shankar Ji Traders, Kako for loading paddy
crops and as per the information he had then found the owner of
the truck was one Ashlam. The truck loaded with paddy worth
Rs.3,88,395/- was destined to Bettiah but it never reached the
said destination. When he tried to contact the owner and the
driver, the mobile phones were switched off. Later upon inquiry,
the informant came to know that the owner of the Truck is
actually Faruk Ansari @ Md. Harun Rasid (the petitioner
herein) and the driver is Munna Kumar @ Nirahua.



Accordingly, felt cheated, this FIR was lodged.

Learned counsel for the petitioner submits that the informant himself was confused inasmuch as he gave two names of the owner and the driver and as such when the owner of the truck itself is not confirmed, how come the petitioner be made an accused. It is his further submission that there is no chit of paper to show that the said paddy was loaded on the truck and was destined for Bettiah.

Learned APP on the other hand submits that the FIR was lodged in March 2020 and it is only after two and half years that the petitioner chose to invoke Section 438 of the Cr.P.C. for grant of anticipatory bail. It is his further submission that a bare perusal of the FIR would show that the petitioner is named accused in the said FIR and the informant has been cheated of Rs.3,88,395/-.

Taking into account that there is direct allegation against the petitioner of having cheated the informant of Rs.3,88,395/-, this Court is not inclined to grant any relief and the prayer for anticipatory bail is hereby rejected.

(Rajiv Roy, J)

Prakash Narayan /-

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