

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52057 of 2023

Arising Out of PS. Case No.-47 Year-2023 Thana- KORANSARAI District- Buxar

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RAHUL KUMAR RAI S/O BASISTH RAI R/O VILLAGE- EKAUNA, P.S-
SIMARI, DISTRICT- BUXAR.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. Rameshwar Sahu Son of Late Radha Sahu R/o Koran Sarai Chhota Parao,
P.S. - Koran Sarai, Distt. - Buxar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ravi Shankar Pathak
For the State	:	Mr.Prem Kumar Jha
For the Informant	:	Mr. Arvind Kumar Pradhan
		Mr. Mungeshwar Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

7 08-12-2023 The present petition has been listed under the

heading "To Be Mentioned."

2. Learned counsel for the petitioner is permitted

to make necessary correction in para-2 of supplementary

affidavit during course of the day.

3. Heard learned counsel for the petitioner, learned

counsel for the informant and learned A.P.P. for the State.

4. The petitioner seeks bail in connection with

Koran Sarai P.S. Case No. 47 of 2023 registered for the

offences punishable under Sections 406, 420, 120(B) of the

Indian Penal Code.



5. As per prosecution case, informant is a food grain merchant and he made contact with co-accused Jagdamba Chaudhary, owner of Jai Jagdamba Road Carrier, Buxar for transporting wheat to Danapur upon which he made contact with co-accused Aap Narayan Thakur, owner of twelve wheeler truck in question for transporting 30 ton 90 kg wheat and the truck in question was being driven by the petitioner but the informant's food grain did not receive in Danapur. Thereafter, the informant reached to the house of co-accused Jagdamba Chaudhary and enquired about the food grain but he shifted all burden to the owner of truck, namely Aap Narayan Thakur. Thereafter, the informant along with other went to the house of Aap Narayan Thakur where Jagdamba Chaudhary and Aap Narayan Thakur told them that wheat of informant has been sold to other and informant and other were also threatened of dire consequences.

6. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR and he has falsely been



implicated in this case on the basis of suspicion. Petitioner is in custody since 17.06.2023. Petitioner bears no criminal antecedent. He further submits that no incriminating article has been recovered from conscious possession of the petitioner. Even seizure list indicates that recovery of truck in question has been made in front of Indian Overseas Bank, Ranchi. He further submits that confession of petitioner has no meaning at all as the recovery of truck has already been made before confession of the petitioner. It is purely a matter between informant and co-accused Aap Narayan Thakur. Petitioner has nothing to do with the communication between informant and co-accused Aap Narayan Thakur. Learned counsel submits through supplementary affidavit that matter is compromised between the parties and the petitioner assured to provide informant's entire dues which is seven lakh out of which one lakh has been paid and rest six lakh will be paid in 30 monthly installment as per agreement between the parties and for that two cheques have been given by the petitioner as security. He further submits that after the said compromise, no grievance is remained against



the petitioner. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

7. Learned counsel for the informant submits that compromise has taken place between petitioner and informant and he does not have any objection over the same.

8. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

9. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Koran Sarai P.S. Case No. 47 of 2023, subject to following



conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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