

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61882 of 2022

Arising Out of PS. Case No.-118 Year-2022 Thana- MUFFASIL District- Aurangabad

Kurshid Khan, aged about 46 years, male, S/O Late Sageer Khan R/O Mohalla- 5/2h/38 Bhu Kailash Raod, P.S- Ekbalpur, District- Kolkata (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 06-02-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Aurangabad (M) P.S. Case No. 118 of 2022 registered for the offence punishable under Section 420 and 406 of the Indian Penal Code (for brevity 'IPC').

As per allegation, the informant, manager of a transport company, has hired the petitioner's truck for transporting crude oil which has not reached its destination.

Learned counsel for the petitioner submits that the petitioner who has been accused by virtue of being owner of the truck in question is, in fact, himself aggrieved on account of missing truck for which, he has lodged the First Information Report (for brevity 'FIR') against the driver on 07.04.2022 after the empty truck was recovered in the State of Jharkhand. The instant FIR has been lodged subsequently on 15.04.2022. It is submitted that investigation is complete. Having no criminal antecedents, he is stated to be in custody since 03.07.2022.



Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad, in connection with Aurangabad (M) P.S. Case No. 118 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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