

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75683 of 2023

Arising Out of PS. Case No.-543 Year-2023 Thana- AMARPUR District- Banka

Arjun Kumar Mallik @ Arjun Malik Son Of Late Sukhdeo Mallik Resident
Of Village- Barbana Raniganj, P.S.- Raniganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arpana Kumari

For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Amarpur
P.S. Case NO. 543/2023 registered for the offences punishable
under Sections 379 of the Indian Penal Code.

As per prosecution case, driver of informant, Saket
Yadav had gone with informant's truck bearing Registration No.
WB 39B 4965. The loaded iron rods were unloaded on 24.07.2023
at Siliguri. After that driver proceeded to his village with
permission of the informant. On 27.07.2023 driver informed the
informant through another mobile number that the truck had been
stolen by unknown person. Lastly the informant claims that his
driver Saket Yadav had stolen the truck in question.

Learned counsel for the petitioner submits that
petitioner is not named in FIR and his name has been surfaced
during course of investigation as same is mentioned in impugned



order. From the seizure list it is evident that said truck was brought to the garage of Daljit Singh for repairing by petitioner. It is further submitted that petitioner has not stolent the truck in question and nothing has been recovered from his conscious possession rather same was recovered from garage. Petitioner being a bonafide purchaser has been deceived by broker Sarajit Singh who claims to be the owner of the truck in question. It is further submitted that payment was made by petitioner in the bank account at the agreed price of Rs. 11,00,000/- for which he paid Rs. 9,74,000/- in the bank account of Sarajit Singh and further paid Rs. 1,00,000/- (Cash) and the remaining amount was at the time when paper was finally transferred. Petitioner is in custody since 07.09.2023. Learned counsel has orally submitted that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent and he has become victim of circumstances.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, 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 CJM, Banka in connection with Amarpur P.S. Case NO. 543/2023 , subject to the 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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