

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75319 of 2022

Arising Out of PS. Case No.-570 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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VISHNU SHARMA @ VISHNU KUMAR SHARMA Son of Shambhu Dayal Sharma Resident of Mohalla- Block No. 7/1/8, Road No. 04, Durga Puja Maidan, Tata Nagar, P.S.- Bagbera Colony, District- East Singhbhum, Proprietor of Parshuram Roadways

... .. Petitioner/s

Versus

1. The State of Bihar
2. Satish Kumar Banka Son of Late Gridhar Lal Banka Resident of Mohalla- S.P. Verma Road, Karpura House, P.S.- Kotwali, District- Patna. Director of M/s S.B. Commotrade Pvt. Ltd.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Krishna Prasad Singh, Sr. Adv. Mr.Shanti Bhushan Singh, Adv.
For the Opposite Party/s :		Mr.Ram Sevak Choudhary, APP Mr.Kameshwar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-05-2023 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offence punishable u/s 403, 406, 420 of the IPC.

As per the prosecution case, the complainant had booked a consignment in Transport Parshuram Roadways of the accused at Patna Branch for transportation of certain goods vide Consignment Note No.79437 and 79436, for consideration value of Rs.1,36,184/- and Rs.11,662/-. It is alleged that the accused persons assured delivery of the goods at Ranchi Branch within a week but till date no consignment was transported or



delivered to the complainant at Ranchi.

It is submitted by learned Senior Counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. Petitioner is the Proprietor of Parshuram Roadways, Jagsalai, Jamshedpur, Jharkhand. It is submitted that unfortunately on 12.12.2017, a fire took place in the Godown of the transport Company of the petitioner, in which, the consignments of the complainant and other consignments burnt. In this regard, an information was given to the Agamkuan Police Station. It is further submitted that the Godown of the Transport Company of the petitioner was insured and the process of damage of the Godown is going on. Petitioner undertakes that when petitioner's Company will receive the compensation from the Insurance Company, then, the value amount of the consignment of the complainant will be returned.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that five years have passed but till date no amount has been returned by



the petitioner. It is further submitted that offence u/s 406 of the IPC is made out against the petitioner.

Having regard to the facts and circumstances of the case, I find that it is a civil dispute between the parties and considering the same, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Complaint Case No.570/2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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