

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18888 of 2024

Arising Out of PS. Case No.-281 Year-2023 Thana- PURNEA SADAR District- Purnia

Jitendra Ray S/o- Sawali Ray R/O- Village- Bhatwalia, Badarjamin, P.S.-
Janta Bazar, Dist.- Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Vikash Gaurav S/o- Subhash Singh, R/o- Ramjee chak, Digha Ward No. 30,
P.S. Digha, Dist. - Patna, At present residing at Matia Chowk, P.S. Mufassil,
Dist Purnia

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bishwajeet Singh, Advocate
For the O.P. No. 2	:	Mr. Mithilesh Kumar. Arya, Advocate
For the Opposite Party/s	:	Ms.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 26-10-2024 1. Heard Mr. Bishwajeet Singh, learned counsel for the petitioner, Mr. Mithilesh Kumar. Arya, learned counsel for the O.P. No.2 and Ms. Suman Kumari Singh, learned APP for the State.

2. Petitioner apprehends his arrest in connection with Purnea Sadar (Mufassil) P.S. Case No. 281 of 2023 dated 01.04.2023 registered for the offences punishable under Sections 406, 420 of the Indian Penal Code.

3. As per the prosecution, Vikash Gaurav (informant) alleged that he loaded 12.10 tons of rod in truck no. UP 62C 4887 and sent it through the agency BMW Ventures at Matia Chowk, Purnea to Nupur Agency, Khagaria but when



informant's goods did not reach Nupur Agency, Khagaria in next three days, then the said agency informed the informant over the phone then informant called truck driver, Ved Praksah and the driver told him that some problem occurred in the truck. After three days, the informant again called the driver on his mobile but his mobile phone was found switched off. Then he started searching the truck but could not trace out anything. The informant believes that the owner of the truck Jitendra Ray (petitioner) and the driver of the truck Ved Prakash (co-accused) together have taken his goods (iron rods) and sold it somewhere else.

4. The main submissions advanced by learned counsel for the petitioner are that the allegations levelled against this petitioner in the FIR are totally false, no doubt the petitioner is a registered owner of the truck bearing Registration No. UP 62C 4887 but admittedly the petitioner was not present in his truck when the alleged loaded iron rods were misappropriated or disappeared, in fact, the petitioner had handed over his truck to BMW Ventures Ltd. for transporting the articles and the alleged driver namely, Ved Prakash was not deputed by this petitioner rather he was deputed by one Krishna, who was an employee of the said agency and after getting the information of the



commission of the alleged occurrence, the petitioner who was in Orissa at that time, came and filed a complaint petition against one namely, Ved Prakash who was deputed as a driver in his truck by the said Krishna, in the court of Chief Judicial Magistrate which was sent for investigation.

5. Mr. Mithilesh Kumar. Arya, learned counsel for the O.P. No. 2 has vehemently opposed the bail prayer of the petitioner and submitted that the petitioner has taken a false plea as to his non-involvement in the engagement of the driver Ved Prakash in his truck and the said fact is evident from the FIR itself as when the petitioner was given the information regarding the missing of his truck, he did not give satisfactory answer to the informant and so far as the complaint filed by the petitioner is concerned, the police found the allegations levelled by the petitioner in his complaint to be false and recommended a proceeding under Section 188 of I.P.C. against him. It is further submitted that the iron rods (bars) which were loaded by the informant in the petitioner's truck have not been recovered so far.

6. Ms. Suman Kumari Singh, learned APP for the State has also opposed the bail prayer of the petitioner.

7. Considering the seriousness of the allegation which



relates to the misappropriation of huge quantity of iron rods (bars) worth approximately Rs. 7 lakhs as per informant's counsel and the matter is under investigation and the misappropriated articles have not been recovered so far and admittedly the petitioner's truck went missing while transporting the alleged iron rods (bars) and petitioner's conduct also remained suspicious from the beginning as appears from the FIR, in my opinion, it is not a fit case for anticipatory bail to the petitioner. Accordingly, his prayer stands rejected.

(Shailendra Singh, J)

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