

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38747 of 2024

Arising Out of PS. Case No.-1124 Year-2023 Thana- KANKARBAG District- Patna

Dhiraj Kumar son of Birendra Prasad R/o- Jawahar Colony, Road No. 2,
Postal Park, P.S. - Kankarbagh, District Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar, Adv.
For the Informant	:	Mr. Rajesh Kumar, Adv.
		Mr. Prashant Kumar, Adv.
		Mr. Ajeet Kumar, Adv.
For the Opposite Party/s :		Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 30-08-2024 Heard learned counsel for the petitioner and learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Kankarbagh P.S. Case No. 1124 of 2023, dated 06.11.2023 registered for the offences punishable under sections 379/34 of the Indian Penal Code.

3. As per the prosecution case, the informant being proprietor of Shiva Corporation has alleged that he received order from Ashoka Agitech Pvt. Ltd. for sending three ton maize's seeds worth Rs. 10,80,000/- to two parties of Bhagalpur. The informant told his Godown Manager to send the same after



booking a vehicle. His Manager namely Mukesh Dubey approached the Transporter of Shiva Shakti Service and got a Pickup vehicle booked. On 25.10.2023 at 8:00 P.M., the co-accused Sudhir Kumar and the petitioner Dhiraj Kumar being the proprietors of Shiv Shakti Service sent a Pickup vehicle with driver namely Sanjay Rai for bringing the consignment. On 25.10.2023 at about 11 P.M. the consignment was loaded on the said vehicle and the driver told that he would proceed with the said consignment in the morning. But the said consignment was not delivered to the parties at Bhagalpur till the evening on 26.10.2023. The informant contacted to the driver who replied that the vehicle was out of order. The said consignment was not delivered by 27.10.2023. On 28.10.2023, Sudhir Kumar and Dhiraj Kumar (petitioner) came to the informant and told that the said consignment was looted from the vehicle. The informant claimed that the said consignment was sold (embezzled) by the proprietors, Sudhir Kumar, Dhiraj Kumar and the driver in connivance with one another.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is no specific allegation against the petitioner for plundering the maize stock of the informant rather the



allegation is general and omnibus in nature. There is a delay of 11 days in lodging the F.I.R. The petitioner has no concern with the alleged occurrence. It is further submitted that the driver of the said vehicle filed a petition to Sonapur P.S. with regard to loot of the said vehicle which was forwarded to the S.H.O., Rajapakar Police Station. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner and submitted that the witnesses have supported the prosecution case. It is further submitted that no F.I.R. was registered with regard to loot of any vehicle loaded with Maize seeds under Rajapakar police station as per para 57 of the case diary mentioned in the impugned order dated 19.01.2024. It is further submitted that no any certified copy of the Rajapakar P.S. case number with regard to the said loot has been filed on behalf of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the seriousness of offence, I am of the view that no case for grant of anticipatory bail is made out and the same is rejected of with direction to the petitioner to surrender before the Court below concerned within six weeks



from the date of this order and the prayer for regular bail, the learned Court below will consider his prayer for regular bail in accordance with law and on its own merits without being prejudiced by this order.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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