

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54588 of 2024

Arising Out of PS. Case No.-215 Year-2023 Thana- PATEPUR District- Vaishali

Pradeep Kumar Son Of Nagendra Sharma @ Nagendra Thakur Proprietor
Mahadev Transport Company, R/O Vill.- Pachauri Tola, P.S.- Ramgarhwa,
Dist.- East Champaran At Motihari.

... .. Petitioner/S

Versus

The State Of Bihar Patna

... .. Opposite Party/S

Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar , Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioner and the
State .

2. Petitioner apprehends arrest in a case registered for
the offence punishable under section 379 of the Indian Penal
Code .

3 . The prosecution case, in short, is that on
08.08.2023, the informant, Bipendra Kumar Pandey, who is a
transport executive in Green Agreevilution Pvt. Ltd., Patna,
ordered the petitioner, who is a transporter of a Tata Truck, to
carry 26 tons of 110 kg of maize from Patepur to Purnia, upon
which the petitioner provided a truck bearing registration no.
BR-01-GB-9486 with the mobile number of the driver. It is
further alleged that on 08.08.2023, the maize informant of 26



tons and 110 kg was handed over to the driver, and on 09.08.2023, when the informant communicated with the transporter (petitioner) informed him that the said truck became defective and hence not reached at Purnia . Thereafter, the mobile of the driver found switch off, and the transporter has not given any satisfactory answer regarding the aforementioned truck, upon which the informant suspected that this petitioner along with driver have disappeared the loaded maize .

4. Learned counsel for the petitioner submits that petitioner is merely an agent who provides vehicle for hire and he has been falsely been implicated in this case only with a view to make pressure upon the petitioner for taking damage . In fact, petitioner is neither driver nor owner of the aforesaid truck in question . It is further submitted that it was driver, owner and company agent who were involved in the alleged occurrence . He next submits that the aforesaid maize was loaded on the truck in presence of informant but the driver of the said truck along with owner has stolen the maize upon which the petitioner after inquiry given information before S H O Patepur on 12.08.2023 regarding the alleged occurrence and on the basis of same Patepur P S. Case No. 218 of 2023 was lodged against the driver and the owner of the aforesaid truck . Petitioner has



got no concern with the loaded maize which is said to have been disappeared. No incriminating article has been recovered from the conscious possession of this petitioner. Petitioner claims clean antecedent.

5 . Learned counsel for the State opposes the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within eight weeks from today, let the petitioner, as named above, be enlarged 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 CJM Vaishali in connection with Patepur P.S. case No. 215 of 2023 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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