

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67119 of 2024

Arising Out of PS. Case No.-365 Year-2020 Thana- NAUGACHIA District- Bhagalpur

Raghav Mishra @ Raghunandan Kumar Mishra Son of Jaiprakash Mishra
Resident of Village- Bahuria Khatnai, P.O.- Amlo, P.S.- Godda, District-
Godda, State -Jharkhand

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Singh

For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-10-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Naugachia P.S. Case No. 365 of 2020 dated 10.12.2020 registered under Sections 341, 323, 379, 504, 506 / 34 of the I.P.C.

3. A complaint on 28.09.2020 was filed by the informant / complainant alleging therein that on 13.09.2020 the Driver of the informant took Hyva truck bearing Registration No. BR10GA-3180 from his depot for loading red sand where he contacted the accused no. 1 i.e. petitioner and got the sand loaded in the Hyva truck. While he was returning back, the truck got stuck near Shankerpur Bishunpur. In the course of taking the stuck truck out, some snag developed in the truck. In the



meanwhile, the driver- Vijay Kumar contacted the informant as well as the petitioner on his mobile. The petitioner came with another truck and crane and himself came on a motorcycle and assaulted the Driver and Khalasi with fist and slap and snatched money. The Hyva truck was unloaded and the petitioner and other accused persons took away all the parts including wheels, battery, steering box, air filter, hydraulic tank etc. of the Hyva truck after keeping the same on the second truck, which they had brought along with them.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case due to political rivalry inasmuch as the petitioner is the sitting Mukhiya of the Gram Panchayat and the case has been lodged at the behest of his opponents. The occurrence took place according to the complainant / informant on 13.09.2020 but the complaint has been lodged after a delay of fifteen days on 28.09.2020 on the basis of a concocted story. During the course of investigation the phone no. of the Driver and Khalasi was not disclosed by the informant and the Police also did not find the mobile no. of the Driver on the mobile phone of the petitioner. During investigation no material has come to corroborate and connect the petitioner with the present offence. The stolen Hyva truck



has been recovered.

5. Regard being had to submission made by the parties, taking into consideration the fact that petitioner is a sitting Mukhiya and further there is inordinate delay in lodging the complaint- cum-F.I.R., I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M.-1st Naugachia in connection with Naugachia P.S. Case No. 365 of 2020 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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