

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78371 of 2023

Arising Out of PS. Case No.-26 Year-2022 Thana- ALAMNAGAR District- Madhepura

1. Brijesh Mall Son of Sri Raj Kumar Mall @ Sri Ram Kumar Mall Resident of Village- Jungle Gauri 2 @ Amahiya, PS- Jhangaha, Dist- Gorakhpur, UP
2. Ugrasen Mall Son of Shri Raj Kumar Mall @ Sri Ram Kumar Mall Resident of Village- Bhaisahiya (Amahiya), Jungle Gauri No. 2 @ Amahiya, PS- Jhangaha, Dist- Gorakhpur, UP

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jitendra Kumar Rai Son of Krishna Dev Rai Village- and PO- Pakra, PS- Navgachia, Dist- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mrs. Soni Shrivastav, Advocate Mrs. Aditi Sharma, Advocate
For the State	:	Mr. Jagdhar Prasad, APP
For the O.P.-2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 15-07-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State. Despite valid service of notice, nobody appears on behalf of informant / opposite party no. 2.

2. The petitioners apprehend their arrest in a case registered for the offence under Sections 379, 420, 34 of the Indian Penal Code.

3. As per written report, the informant was running a Transport company in the name of M/s Krishna Road Lines at Naugachhia. The petitioners are respectively driver and owner of the truck, bearing registration no. UPS3BT-4502. Allegation is that the informant provided the said truck to the proprietor of M/s Maa Bhawani Traders on hire for loading 39730 kilograms



of maize worth Rs. 8,42,276/-. The total freight charge was fixed at Rs. 55,600/- and out of which, Rs. 30,000/- was given as advance, and subsequently, the petitioners (driver & owner) proceeded to Changra Banda (West Bengal) for delivery of above consignment on 13.01.2022 after loading the alleged grains from godown of Mahesh Gupta, resident of Alamnagar, but, both the driver and owner of the alleged truck did not reach at the destination and when the informant contacted with the alleged truck-driver, it was replied that the truck has become out of order, and thereafter, it is alleged that the petitioners had switched off their mobile phones. It is further alleged that when the informant went at the house of petitioners to inquire into the matter, they misbehaved with him and stated that they have sold the alleged consignment of maize and will not give a single penny to him and headed to assault the informant.

5. It is submitted on behalf of petitioners that petitioners have been falsely implicated in this case. The said truck is a public carrier, having All India Permit, and at the relevant time, when the truck started its journey with the aforesaid consignment to the west Bengal, all of a sudden the truck went out of order and could not reach at the destination. It is further submitted that after intervention of well-wishers, the



matter was compromised between the parties and pursuant to compromise, the petitioners paid total Rs, 6,00,000/- (Rupees six lacs) in the account number, which was supplied by the informant/opposite party no. 2. It is further submitted that after receiving the aforesaid money, the informant, on one pretext or the other, evaded to file compromise petition and subsequently, filed the present case only with a view to harass these petitioners. Petitioners claim clean antecedent.

5. Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1" Class, Udakishunganj, District Madhepura in connection with Alamnagar P.S. Case No. 26 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

anay

U		T	
---	--	---	--

