

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5267 of 2025

Arising Out of PS. Case No.-358 Year-2024 Thana- DARIYAPUR District- Saran

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1. Dablu Singh @ Dablu Kumar Singh @ Dawlu Singh S/o Ramesh Prasad Singh @ Ramesh Singh @ Karu Singh R/o Village- Jailpur, Dakshni, Dumri, P.S.- Mohanpur, District- Samastipur
 2. Bablu Singh @ Bablu Kumar Singh S/o Ramesh Prasad Singh @ Ramesh Singh @ Karu Singh R/o Village- Jailpur, Dakshni, Dumri, P.S.- Mohanpur, District- Samastipur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Raushan Raj, Advocate.
For the State	:	Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 15-02-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Dariyapur P.S. Case No. 5123023240358 of 2024, registered for the offences punishable under Sections 406 and 420/34 of the Indian Penal Code.

3. As per allegation, the informant consigned 25 quintal of wheat to Sankat Mochan Transport, Hajipur for its delivery to Shiv Agro Products Pvt. Ltd., situated at West Bengal. The petitioners are alleged to be the owner of the said



transport company. However, the consignment has not been delivered to the consignee. When the informant made inquiry about the delivery, he was misbehaved by the owner of the transport company.

4. Learned counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioners are engaged in transport service by name and style Sankat Mochan Transport, Hajipur and for providing the transport service they hired some trucks from the market. He further submits that while taking any consignment from consignee, they issue consignment notes. He further submits that the whole case against the transport company is false and fabricated. There was no consignment at all given by the informant to the petitioners. He also submits that even otherwise, the alleged facts at most constitutes a dispute of civil nature and is of Carriers Act, and under Section 9 of the Carriers Act, there is bar of filing any civil suit or criminal prosecution without giving six months notice to the transporter. Hence, the whole case is false and not maintainable.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.



6. It has further been stated in paragraph no.3 of the petition that the petitioners have no criminal antecedents.

7. Learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra, in connection with Dariyapur P.S. Case No. 5123023240358 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong,
learned court below shall cancel the bail bonds of the
petitioners.

(Jitendra Kumar, J)

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