

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51772 of 2026

Arising Out of PS. Case No.-57 Year-2024 Thana- RAMGARHWA District- East Champaran

Arpit Kumar Mishra son of Binod Kumar Mishra @ Vinod Kumar Mishra
Resident of village - Bijapur P.O- Gurwaliya P.S.- Turkpatti, District-
Kushinagar UP Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Adv.

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 29-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Ramgarhwa P.S. Case No. 57 of 2024 for the offence punishable under sections 379, 120-A, 120-B/34 of the IPC lodged on 09.03.2024 by the informant.

3. As per the prosecution case, the informant engaged the petitioner for transportation of rice valued at Rs. 18,23,675/- and the said consignment did not reach its destination rather it went missing in its midway. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the petitioner is the owner of the truck bearing Registration No. UP-57-T-8718 which was handed over to Gupta Transport Company, Raxaul for carrying out the business of transport on agreement and during course of the business of transportation,



the vehicle in question is said to have met with an accident and the rice, which was loaded in the said vehicle, is said to have been looted away by the local people. The petitioner is the resident of Uttar Pradesh while the incident is said to have taken place in the State of Bihar within the district of Madhubani and no complicity of this petitioner can be found out as the truck was being driven by the driver employed by the transporter, and the truck which belongs to the petitioner has also been damaged in the said incident and the petitioner is said to have been pursuing his remedy before the Superintendent of Police and other authorities, the relevant papers have been appended with the instant application for anticipatory bail to buttress his submission. Learned counsel further submits that similarly situated co-accused who is proprietor of Gupta Transport Company, namely, Ramprit Gupta has been granted the privilege of anticipatory bail by the Co-ordinate Bench of this Court in Cr. Misc. No. 56819 of 2024 *vide* order dated 31.08.2024 (Annexure P/4). It has lastly been submitted that petitioner has got one criminal antecedent which has been lodged by the transporter in which cognizance has not been taken.

5. Learned APP, on the other hand, opposes the



prayer for anticipatory bail and submits that since the petitioner has got one antecedent of the same nature, he does not deserve the privilege of anticipatory bail but has not disputed the factuals submitted for seeking intervention.

6. Considering the fact that the petitioner is the owner of the truck which was given to the transporter and the incident which took place during course of transportation, cannot be attributed to this petitioner and above all, as it was being driven by the driver employed for the said purpose and a similarly situated person as stated above has been granted the privilege of anticipatory bail by the Co-ordinate Bench, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, above named, be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ***Sub-Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran*** in connection with aforesaid PS Case, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;



(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his/their bail bonds.

(Ajit Kumar, J)

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