

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76617 of 2025

Arising Out of PS. Case No.-484 Year-2024 Thana- BIHTA District- Patna

Diwakar Kumar S/o Late Raj Kishor Choudhary R/o Village - Mangurahi, P.S
- Ganga Bridge, Proprietor - D.K Career, Truck Supplier And Commission
Agent, Leelavati Complex Industrial Area Hajipur, District - Vaishali (Bihar)
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Singh, Advocate
For the State : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 24-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Bihta P.S. Case No. 484 of 2024, dated
02.06.2024, registered for the offences punishable under
Sections 406 and 420/34 of the Indian Penal Code.

3. As per allegation, the informant had entrusted 30
MT flour worth Rs.8,43,000/- to the carrier transporter Zinka
Logistics Solution Pvt. Ltd (Black buck) with its local contact
situated at Hazipur, Vaishali, Bihar having Mobile No.
7979021214 through truck bearing Registration No. WB-25L-
6403 owned by Ramjan Ali and being driven by Nitish Kumar
Yadav Sinha. However, the same consignment was not delivered
at the destination point.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner has shown by the police as a local contact of the carrier Zinka Logistics Solution Pvt. Ltd (Black buck), but he is no way involved in this whole transaction. He also submits that under Section 10 of the Carrier Act, before filing any proceeding against the carrier, there is provision for mandatory notice of six months, but there is no reference to any notice given to the carrier before filing this criminal case. He further submits that provision of notice has been purposely incorporated in the Carrier Act by the Parliament with intent to give opportunity to the carrier to redress the grievance of consumers of any. Hence, the F.I.R. itself is not maintainable and the petitioner has nothing to do with the alleged offence.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has 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 bail petition that the petitioner has one criminal antecedent.

7. However, 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 petitioner, above-named, to be enlarged on bail, in the event of his 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 his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Bihta P.S. Case No. 484 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his 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 petitioner.

(Jitendra Kumar, J.)

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