

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51283 of 2015

Arising Out of PS.Case No. -7 Year- 2015 Thana -KISHANGANJ District- KISANGANJ

1. Sagir Alam Son of Abdul Quddus, Resident of Village- Khagra, P.S.-
Kishanganj, District- Kishanganj

2. Ah. Rahaman @ Ah. Rahman son of Ayub Ali, Resident of Village-
Serniya Pokhar, P.O. + P.S.- Gopal Pokhar, District- Uttar Dinajpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mr. Abhay Kumar Rai (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 15-12-2015

Heard both sides.

The petitioners apprehend arrest in a case registered for the offences punishable under sections 384, 353, 506 of the Indian Penal Code.

The informant District Transport Officer alleged that one truck bearing registration No. WB 59A – 7438 was intercepted and on weighing the truck was found over loaded by 27.515 tonnes. Constable and the driver of the truck were directed to go to the police station but the driver of the truck threatened the home guard police and fled away with the truck.

It is submitted that petitioner no. 2 is the owner of the truck. He was not found present at the time of occurrence at the place of occurrence. No case under section 384/353 is made

out. Petitioner no. 1 is the driver of the truck.

Considering the allegation made against petitioner no. 1 that he threatened the home guard constable and fled away with the loaded truck, I am not inclined to grant anticipatory bail to petitioner no. 1 Saghir Alam. His prayer is, accordingly, rejected.

So far as petitioner no. 2 is concerned, he is owner of the vehicle. His presence on the place of occurrence has not been stated.

Considering the facts aforesaid, petitioner no. 2 Ah. Rahaman @ Ah. Rahman, in the event of arrest or surrender in the court below within four weeks from the date of receipt/production of a copy of this order, shall be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No. 07 of 2015 subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure, 1973.

(Prabhat Kumar Jha, J)

Amin/-

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