

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14119 of 2016

Arising Out of PS.Case No. -334 Year- 2015 Thana -KARAHGAR District- SASARAM (ROHTAS)

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1. Manjee Yadav, Son of Mahendra Yadav, Resident of Village- Sughardera, P.S.- Koran Sarai, District- Buxar.
 2. Sunil Singh, Son of Jai Kishore Singh, Resident of Village- Pasahara, P.S.- Itadhi, District- Buxar. At present Resident of Golghar, Gandhi Maidan, Patna, P.S.- Gandhi Maidan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. Ajay Kumar No.1(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 27-06-2016

Heard both sides.

The petitioners apprehend their arrest in a case under Section 341, 323, 353, 504, 365, 225, 379, 414 of the Indian Penal Code and under Section 33, 41 and 42 of the Forest Act.

The informant, S.H.O. of Kargahar P.S., intercepted two trucks bearing registration No. PB 10BJ 6755 and BP 10 BJ 7455 but some persons came on a Scorpio vehicle and asked the drivers to drive the trucks to different directions. One of the trucks was being taken to Kargahar P.S. but the driver of the truck got down the SAP constable from the truck and fled away.

Mr. Yogesh Chandra Verma, the learned senior



counsel for the petitioners, submits that petitioner No.1 is owner of truck bearing registration No. PB 10 BJ 7455 and truck of petitioner No.1 was seized on 19.01.2016 and nothing was loaded on the aforesaid truck. The drivers of the truck were apprehended by the police while loaded with stone chips on 25/26-12-2015 but they fled away in different directions in spite of the order of S.H.O. There is nothing on record that petitioner No.1 was present at the place of occurrence.

Considering the facts aforesaid and the nature of allegations made against the petitioner No.1 Manjee Yadav, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to 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 Additional Chief Judicial Magistrate-II, Rohtas at Sasaram in Kargahar P.S. Case No. 334 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as case of petitioner No.2, Sunil Singh, is concerned, he is the driver of the truck and he drove away the vehicle from the custody of police. Hence, I am not inclined to

enlarge the petitioner No.2 on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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