

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 31277 of 2016

Arising Out of PS.Case No. -10 Year- 2016 Thana -HATHUA District- GOPALGANJ

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Prakash Kumar Gupta, Son of Ram Sundar Gupta, Resident of village- Basantpur
Karai khurd Police Station- Basantpur District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate

For the State : Mr. Bisheshwar Ram, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 22-10-2016

Heard learned counsel for the parties.

The petitioner apprehends arrest in connection with
Hathua P.S. Case No. 10 of 2016 dated 20.01.2016 instituted under
Sections 279/337/338/427/414 of the Indian Penal Code.

The allegation against the petitioner is that he was
driving a Bolero pick-up van without there being a number plate and
due to rash driving, he had hit a cyclist and had dashed the vehicle in
a tree and the vehicle also had food supplement of ICDS of the U.P.
Government.

Learned counsel for the petitioner submits that due
to dashing in the tree, the front number plate was damaged, though
the number plate at the back was very much there and further, that
due to hot altercation with the police, he has been falsely implicated.

It is submitted that the petitioner is ready to abide by any condition imposed by the Court.

Learned A.P.P., upon going through the case diary, submits that the defence pleaded on behalf of the petitioner is unbelievable for the reason that had the petitioner not run away, he would obviously have been caught and the fact of dashing of the car in the tree after having hit a cyclist is not in dispute. It is further submitted that the petitioner not denying that he was the driver of the vehicle, there cannot be any reason for false implication by the police and also there could not have been any false recovery shown, since the materials in the vehicle were food items meant for the ICDS belonging to the Uttar Pradesh Government.

Having considered the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on anticipatory bail.

Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

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