

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 32090 of 2016

Arising Out of PS.Case No. -118 Year- 2016 Thana –DEHRI (TOWN) District- SASARAM
(ROHTAS)

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Laxman Singh S/o Dwarika Singh R/o Village- Rudrapur, P.S.- Dehri,
District- Rohtas.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Singh

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 06-09-2016 Heard Sri Uma Shankar Singh, learned counsel for the
petitioner and Sri. Nirmal Kumar Sinha, learned Addl. Public
Prosecutor.

The sole petitioner, apprehending his arrest in Dehri
(Town) P.S. Case No. 118 of 2016 registered for the offence under
Sections 379, 411, 353 of the Indian Penal Code, Section 4(1-a)
21(1) of D.E. Act, Section 40 (1) of B.M. Act and Section 33, 41,
42 of the Indian Forest Act, has prayed for grant of bail in the
event of arrest or surrender.

It was submitted by learned counsel for the petitioner
that petitioner is the owner of the vehicle, which was allegedly
seized on an allegation of carrying stone chips. It was submitted
by learned counsel for the petitioner that the stone chips were



being carried on valid challan, however; the police unauthorisedly intercepted the vehicle in question and even three persons were arrested by the police, who were not either driver or khalasi of the vehicle. He further submits that the driver of the vehicle has been provisionally granted anticipatory bail by a Bench of this Court, vide order dated 09-08-2016 passed in Cr. Misc. No. 31511 of 2016.

Learned counsel for the petitioner submits that ofcourse in the F.I.R., allegation of violation of certain Acts have been mentioned, but he has not been able to lay his hand on the aforesaid Acts i.e. D.E.Act and B.M.Act. Similarly, learned Addl. Public Prosecutor Sri Nirmal Kumar Sinha was also not in a position to enlight the Court regarding aforesaid two Acts.

In view of facts and circumstances, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Laxman Singh 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 learned Sub Divisional Judicial Magistrate, Dehri on Sone, District Rohtas in connection with Dehri (Town) P.S. Case No. 118 of 2016, subject to condition as laid down under Section 438(2) of the Cr.P.C.

While granting anticipatory bail, the Court proposes

to direct the concerned Superintendent of Police to examine as to whether the concerned police officer, who had lodged the F.I.R., was correct in incorporating the purported provision of D.E.Act and B.M.Act in the F.I.R. or not. Even if it is correct necessary instructions may be issued for avoiding to use abbreviation of at least Special Act in the First Information Report.

Let a copy of this order be sent to the concerned Superintendent of Police.

(Rakesh Kumar, J.)

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