

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.687 of 2016

Arising Out of PS.Case No. -280 Year- 2015 Thana -KARAHGAR District- SASARAM (ROHTAS)

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1. Pintu @ Satyanarayan Yadav
 2. Monju Yadav @ Bechu Yadav, both are son of Babunand Yadav,
Resident of Village - Kairupur, P.S. - Ranipur, District - Mau (U.P.)
 3. Dara Chauhan, S/o Ramawadh Chauhan, Resident of Village - Daudpur
P.S. - Mohmdabad, District - Mau (U.P.)
 4. Guddu Yadav @ Kapildev Yadav, S/o Awadhnath Yadav, resident of
Village - Bhhakarakuan, P.S. - Ranipur, District - Mau (U.P.)
 5. Ramashray Yadav, S/o Algu Yadav, Resident of Village - Damodra,
P.S. - Dularpur, District - Gajipur (U.P.)

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr. Madhuranand Jha , APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 13-07-2016 Heard learned counsel for the petitioners and

learned counsel for the State.

This application for anticipatory bail arises out of

Kargahar P.S. Case No. 280 of 2015, disclosing offences under

Sections 414 and 120-B/34 of the Indian Penal Code.

According to the prosecution case, the police

intercepted five trucks coming from Sasaram, but the drivers of

the trucks managed to escape. However, four persons were

arrested from those trucks and they disclosed that the trucks loaded with coal were being taken to Buxar. On demand, they failed to produce any valid document in this regard, they disclosed their names and also disclosed the names of the drivers of those trucks who had managed to escape.

It is submitted by the learned counsel for the petitioners that the story narrated by the police in the FIR is false. The petitioners are not the owner of the trucks in question and they are not concerned at all with the alleged stolen coal recovered from the seized trucks.

Learned counsel for the State has opposed the application for grant of bail. He has submitted that the police had no enmity with the petitioners of the case and thus, the theory of false implication is imaginary. He has further submitted that the fact that the drivers of the trucks in question ran away abandoning their respective trucks in question when the police intercepted those trucks clearly goes to show that the petitioners were aware that they were carrying stolen coal.

Regard being had to the nature of the allegation, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, their application under Section 438 of the Code of Criminal Procedure is rejected.

However, in case the petitioners surrender and seek bail, the same shall be considered on its own merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J.)

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