

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13164 of 2017

Arising Out of PS.Case No. -14 Year- 2017 Thana -SHERGHATI District- GAYA

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Jagan Yadav, Son of Kameshwar Yadav, Resident of Village Dobhi, P.S.
Dobhi, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 22-03-2017 Heard both sides.

The petitioner apprehends his arrest in connection with Sherghati (Dobhi) P.S. Case No. 14 of 2017, registered for the offence punishable under Sections 413, 414, 420, 384, 467, 468, 471, 120B of the Indian Penal Code.

The informant happens to be S.H.O. of Dobhi P.S, who on secret information regarding illegal plying of trucks towards Gaya side reached there and started checking the vehicles. The police apprehended few trucks and also caught three persons who disclosed the name of this petitioner and few others alleging that they happens to be truck mafia and used to take Rs. 5000/- each truck for preparing forged documents for their entry in Bihar at Dobhi Check Post.

Learned counsel for the petitioner submits that from the allegation, no offence as alleged is made out. The petitioner is a



businessman having eight trucks for transport business. He is an income tax payee also. Neither his truck has been apprehended by the police nor there is any cheat of paper to show his complicity in alleged transportation. His name appeared in confessional statement of apprehended drivers which has got no evidentiary value. It was further submitted that there is absolutely no role in getting the vehicle entered/crossed the Dobhi Check Post without any valid papers. The officials of Commercial Tax Dept/Transport Department are deputed at large scale to check the vehicles and it is impossible to move the vehicle without any valid papers.

Learned APP, on the other hand, opposed the submissions.

It appears that the only allegation has come against the petitioner that he was indulged in taking an amount of Rs. 5000/- from the truck drivers/owner for preparing forged paper and also to get the vehicles entered the Dobhi Check Post without any paper. The petitioner has denied any concern with the vehicles which were caught by the police. In F.I.R. also I do not find any specific allegation of his role in the movement of vehicle.

Considering the facts and circumstances of the case, the prayer of anticipatory bail is allowed. The petitioner, above named, in the event of arrest/surrender before the learned court below within a period of four weeks from today, be admitted on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with



two sureties of the like amount each to the satisfaction of learned
A.C.J.M., Sherghati, Gaya in connection with Sherghati (Dobhi)
P.S. Case No. 14 of 2017 subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Sanjay Kumar, J)

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