

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6278 of 2017

Arising Out of PS.Case No. -106 Year- 2016 Thana -ASAWAN District- SIWAN

- =====
1. Ramdeo Sahani, son of Sri Pundeo Sahani, resident of village-Jagdishpur, P.S.-Dariapur, District-Saran at Chapra.
 2. Sharda Nand Singh, son of Ram Naresh, resident of village-Singahi Khurd, P.S.-Sampurna Nagar, District-Lakhimpur Kheri

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 20-02-2017

Heard the parties.

The petitioners apprehend their arrest in Asaon P.S.

Case No.106 of 2016 registered for the offences punishable under
Section 379 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that the petitioner no.1 is the owner of the truck and the petitioner no.2 is driver and in earlier case truck was seized with allegation that it was overloaded truck and in that case petitioners were released on anticipatory bail. Now, another case has been lodged with allegation that in spite of seizure the petitioners have taken away the truck. However, the truck is still lying in the police station and petitioners have falsely been implicated in this case. It has further been submitted that from perusal of the impugned order it also



appears that there is no mentioning of seizure of truck in the case diary.

Heard learned APP also.

Having heard both sides. In view of the allegation as well as from the impugned order it appears that the truck of the petitioners has not been seized, let the petitioners surrender in the court below making the above submissions which will be verified by the court concerned and after verifying the same the court below shall pass appropriate order on the application of the petitioners without being prejudiced by this order, if possible, on the same day.

With the above observation, this application is disposed of.

Arvind/-

(Vinod Kumar Sinha, J)

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