

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61651 of 2017

Arising Out of PS. Case No.-145 Year-2017 Thana- SHIVSAGAR District- Rohtas

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1. Murari Yadav, S/o- Lal Chandra Yadav, Resident of Village- Jalhupur, P.S.- Choubeypur, District- Varanasi.
 2. Arbind Kumar, S/o-Gorakh Nath Singh, Resident of Village- Saraiya, P.S.- Choubeypur, District- Varanasi.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra

For the Opposite Party/s : Mr. Anil Kumar Singh 1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-12-2017 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Section 379 of the IPC.

The prosecution case, as per the written report of Chaukidar Binod Kumar Paswan, is to the effect that the informant was deputed to keep vigilance on the truck, seized in connection with transportation of sands. On 13.06.2017 at 3.50 AM, when the informant went to ease out, then these petitioners took away the truck bearing Registration no. UP 65BT 9337. The petitioners are the owner and driver of the alleged truck.

It is submitted by learned counsel for the petitioners that



the prosecution case is inherently improbable, as prior to the present case, the only case registered against the petitioners was M.V. Case No. 01 of 2017, registered with accusation under Sections 177, 194 and 180 of the M.V. Act, wherein the concerned Court imposed fine of Rs. 14,000/- each to the petitioners and after depositing the same, the vehicle was released, vide order dated 22.08.2017, as contained in Annexure-2, and there is no other case in which the vehicle of the petitioner was seized, hence, there was no occasion for the informant to guard the vehicle of the petitioners.

It is further submitted that for the occurrence of 13.06.2017 at 3.50 AM, the FIR was registered on the same day at 9 AM, which reached to the learned court below on 17.07.2017, which suggests that the FIR is antedated.

Considering the above mentioned inconsistencies, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sheo Sagar P.S. Case No. 145 of 2017, subject to the condition as laid down



under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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