

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13323 of 2017

Arising Out of PS.Case No. -5 Year- 2017 Thana -MADANPURA District- AURANGABAD

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Rajesh Kumar Giri S/o- Late Ram Lolarat Giri, Resident of Mohalla- Chak Jodhi, Barigaon, P.S.- Aurai, District- Bhadohi (U.P.), presently residing at Bhogaon, Chilh, P.S.- Chilh, District- Mirzapur (U.P.).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar, Advocate

For the Opposite Party : Sri Abhay Kumar – 1, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 18-03-2017

Heard.

The petitioner apprehends his arrest in connection with Madanpur P.S.Case No.5 of 2017 registered for an offence under Sections 379 and 411 of the IPC.

The informant of this case happens to be the SHO, Madanpur P.S. In his self statement, he has alleged that the truck of this petitioner was found transporting sand beyond the capacity for which he was not authorized. The driver of the truck produced Chalan and on its verification, it was found that the quantity of sand loaded on truck was excess that it had to carry.

Learned counsel for the petitioner submits that he is the owner of the truck having valid licence and authority to transport the sand and so no offence under Sections 379/411 of the



IPC is made out. He had no concern with the quantity of sand loaded with the truck and so no offence under Section 379 of the IPC.

Learned APP opposed the submissions.

The petitioner is the owner of the truck and admittedly he was indulged in transporting the sand having valid permit for transporting. This find supports from the order of the learned Sessions Judge.

Considering the nature of allegation, facts and circumstances, in the event of his arrest or surrender in the court below, let the above named petitioner be admitted on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of CJM, Aurangabad in connection with Madanpur P.S.Case No.5 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Sanjay Kumar, J)

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