

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 23286 of 2017

Arising Out of PS.Case No. -35 Year- 2017 Thana -BARUN District- AURANGABAD

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Krishna Singh, Son of Ram Pravesh Singh, Resident of Village- Kanchanpur, P.S. Sasaram (M), District- Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate
For the State : Ms. Nirmala Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 06-07-2017

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in Barun P.S. Case
No. 35 of 2017 dated 23.02.2017 instituted under Sections
379/411/420/120B of the Indian Penal Code, 3/4/5 of the Bihar
Illegal Mines Act and 33/41/42 of the Indian Forest Act.

3. The allegation against the petitioner is that his truck
bearing No. JH-02H/1056 was carrying stone chips which were
procured in illegal manner.

4. Learned counsel for the petitioner submitted that he is
the owner of the truck and all the relevant papers were available with
the driver, who had also produced it before the authority but still for
oblique reason, the truck has been seized. Learned counsel submitted



that the stone chips were meant for private construction work and was purchased *bona fide* from M/s Bansidhar Construction Pvt. Ltd., for which a proper receipt was also given. Learned counsel submitted that the said receipt has been verified to be genuine and such finding has been recorded by the learned Sessions Judge, Aurangabad in his order dated 27.04.2017 by which the prayer for anticipatory bail of the petitioner has been rejected. Learned counsel has produced before the Court copy of the so called purchase receipt bearing No. 001266/6834016, to contend that the stone chips were not illegally procured.

5. Learned A.P.P. submitted that from the complaint itself, it is clear that the truck of the petitioner, along with other trucks were seized and at the relevant time, no papers/documents were produced. It was further submitted that whatever receipt the petitioner may have produced before the authorities, is an afterthought and procured later on which is easy to do as a private person has issued the receipt and he could very well ante date the same.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, a perusal of the copy of the receipt which has been furnished by learned counsel for the petitioner clearly discloses that the date written is 23.02.2017



and the time is 3.20 A.M. From the naked eye, it is clear that the letters 3 as well as A.M. has been interpolated because initially it was P.M. which is ex-facie apparent. Further, it is well known that such receipts are easily procurable and further there is no reason at this stage, while considering the prayer for anticipatory bail, to go into such factual aspect as to whether the document had been produced at the time when the seizure has been made or not as the complaint being by the S.H.O., Barun P.S., the Court has no reason to disbelieve such statement, at this stage. Copy of the so called receipt is being kept on record.

7. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

8. Accordingly, the application stands dismissed.

9. Before parting with the order, in view of the fact that the Court has *prima facie* found interpolation in the receipt, if what has been recorded by the learned Sessions Judge in his order dated 27.04.2017 is true, then the Court would require the Superintendent of Police, Aurangabad at his level to verify as to under what circumstances the said receipt has been verified and found to be correct by the Senior Deputy Collector-cum-Mining Development Officer, Aurangabad. The Superintendent of Police, Aurangabad is



directed to do the same within two weeks and take appropriate follow up action in the matter. A report shall be submitted to the Court and only for such limited purpose the case be listed on 26th July, 2017 under the heading ‘For Orders’ at 2.15 P.M.

10. Mr. Bhanu Pratap Singh, learned A.P.P. shall communicate the order to the Superintendent of Police, Aurangabad.

(Ahsanuddin Amanullah, J.)

P. Kumar

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