

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37738 of 2018

Arising Out of PS. Case No.-19 Year-2009 Thana- RAMPUR District- Gaya

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1. Vijay Paswan, Son of Muni Paswan,
 2. Md. Kalim @ Kalim Mian @ Md. Kalim Mian, Son of Rahim Mian,
 3. Bholu Alam, Son of Late Sadud Mian, All resident of Village-Danua, P.S.- Chauparan District Hazaribag (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramashish

For the Opposite Party/s : Mr. Rajendra Singh Shastriji

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-07-2018 Learned counsel for the petitioners is permitted to make necessary correction in the petition, as prayed for.

Heard learned counsels for the parties.

The petitioner no. 1 being owner and petitioner nos. 2 and 3 being driver and cleaner of the truck in question are apprehending arrest in a case registered for the offences punishable under Sections 419,420,414 and 120B of the IPC.

The prosecution case as per the written report of Nishi Kant Nishi, SHO of Rampur Police Station is to the effect that one truck along with four labourers was intercepted and on search it was found that the truck was loaded with coal, when the labourers disclosed the name of driver as petitioner no. 3,



Bholu Alam (petitioner no. 3) and cleaner as Md. Kalim (petitioner no. 2) who hired the labourers to unload the coal at the place of Sohab Mian. It is also claimed that the coal was loaded at the behest of petitioner no. 2. Owner of the truck is petitioner no. 1.

It is submitted by learned counsel for the petitioners that the labourers did not name petitioner no. 1 as a person who is owner of the truck. Admittedly, petitioner no. 1 was not present at the place of seizure.

So far as two registration plates of the truck are concerned, it is submitted that this is not the case of the informant that the real registration plate was not displayed on the vehicle in question at the time of seizure and even assuming the accusation to be true, prima facie, no offence is made out.

Learned APP submits that there is specific accusation against the petitioners.

Considering the fact that petitioner no. 1 being owner of the truck in question was not present at the place of seizure and the fact that the alleged coal was not being transported in the knowledge of petitioner no. 1, let the petitioner no. 1 above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of



Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Gaya in connection with Rampur P.S. Case No.19 of 2009 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

So far as petitioner nos. 2 and 3 are concerned, considering the fact that they were present on the truck in question and that they, managed to escape from scene and have now preferred this application for grant of anticipatory bail, after about nine years of registration of the FIR, this Court is not inclined to grant anticipatory bail to them. However, the learned court below will consider their prayer for regular bail in the aforementioned case in case they surrender before the learned Court below within six weeks.

(Dinesh Kumar Singh, J)

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