

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8794 of 2018

Arising Out of PS.Case No. -295 Year- 2017 Thana -CHAKIA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Binod Prasad Yadav, son of Satya Narayan Prasad Yadav, resident of Village- Siswa Basant, P.S.- Kalyanpur, District- East Champaran.
 2. Rajendra Prasad Yadav, son of Late Adalat Prasad Yadav, resident of Village- Siswa Basant, P.S.- Kalyanpur, District- East Champaran.
 3. Satyendra Kumar, son of Ruplal Prasad Yadav, resident of Village- Siswa Basant, P.S.- Kalyanpur, District- East Champaran.
 4. Surendra Prasad Yadav, son of Satya Narayan Prasad Yadav, resident of Village- Siswa Basant, P.S.- Kalyanpur, District- East Champaran.
 5. Gopal Prasad Yadav, son of Late Yogi Prasad Yadav, resident of Village- Sundarpur Mujahan, P.S.- Kesariya, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 21-02-2018

Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in relation to Chakia P.S. Case No. 295/2017 registered under Sections 420, 379 and 188 of the Indian Penal Code, Section 40 of the Bihar Minor Minerals Concession Rules, 1972, pending in the court of learned 13th Additional Chief Judicial Magistrate, Motihari, East Champaran.

Learned counsel for the petitioners submits that it is a case of false accusation as the petitioners being owner of the vehicles had never instructed his driver to indulge in



carrying illegal mines sand but the driver had exceeded and indulged for the offences alleged.

Learned Additional Public Prosecutor for the State opposes the prayer for anticipatory bail of the petitioner submits that petitioners being owner of the vehicles and particularly that two vehicles have been found without any registration number does not deserve the privilege of anticipatory bail.

In the facts and circumstances of the case where the petitioners are said to be the owner of the vehicles which were not even having registration number and were indulged in carrying on illegal mines sand, I am not inclined to grant anticipatory bail to the petitioners.

Accordingly, prayer for anticipatory bail of the petitioners is rejected and this application is dismissed.

However, if the petitioners surrender in the court below within a period of four weeks from today their prayer for regular bail shall be considered by the court below without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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