

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30916 of 2018

Arising Out of PS. Case No.-74 Year-2018 Thana- DORIGANJ District- Saran

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1. Guddu Ray, S/o Pannu Ray, R/o Vill.- Gokhulpur, Musepur- Mahadeopur Phulari, P.S.- Bihta , District- Patna.
 2. Basisht Singh Patel S/o Sri Maniraj Singh Patel, R/o Vill.- Pakadihawa (Bhaisahawa), P.S.- Bhansawa, District- Kushinagar (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Bhaskar
For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 24-05-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Doriganj P.S. case no. 74 of 2018, instituted for the offence under Section(s) 188, 379, 420, 307 and 411 of the Indian Penal Code, Section 4/40 B.M.M. C. Act, 1972, Section 8(7) of Bihar Mineral Act, 2003 and Environment protection Act, 1986.

It is alleged in the written report that on the date of occurrence police party found two trucks loaded with red sand standing near the Ara-Chapra bridge pillar no.5. The police party tried to apprehend the truck, then driver of one of the truck dashed the police jeep on account of which jeep of the



police party turned turtle in a wheat field. The police party any how saved their life. The driver of one truck was arrested. The driver and owner of the second truck managed to run away along with the truck.

Learned counsel for the petitioners has submitted that petitioner no.1 is owner of the truck bearing registration no. BR 01GG-1058 DCM. He was not present at the spot. It is further submitted that petitioner no.2 is the driver of the said truck.

There is specific allegation that driver of second truck dashed the police vehicle on account of which the police vehicle turned turtle. Therefore, this Court is not inclined to grant anticipatory bail to petitioner no.2, namely, Basisht Singh Patel, who is driver of the second truck. Prayer for anticipatory bail of petitioner no.2 is rejected.

The petitioner no.2 may surrender before the Court below and make prayer for regular bail which shall be considered and disposed of on its own merit in accordance with law without being prejudiced by the present order.

So far as petitioner no.1, namely Guddu Ray is concerned, he is owner of the truck. There is no allegation of any specific overt act against him. Therefore, anticipatory bail of the petitioner no.1 is allowed. .



In the facts and circumstances of the case, prayer of petitioner no.1 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner no.1, named above, within six weeks from today in connection with Doriganj P.S. case no. 74 of 2018, petitioner no.1 shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the ACJM VII, Saran at Chapra, subject to the conditions as laid down under Section 438(2) Cr. P.C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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