

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6840 of 2018

Arising Out of PS.Case No. -222 Year- 2017 Thana -GARAUL District- VAISHALI(HAJIPUR)

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Parmanand Rai, Son of Baleshwar Rai, resident of Village- Dih Dashahara,
Police Station- Mohiuddin Nagar, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate.

For the Opposite Party/s : Mr. (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-02-2018 Heard learned counsel for petitioner and learned
counsel representing the State.

Petitioner is seeking anticipatory bail in Garaul
(Kathara O.P.) P.S. Case No. 222 of 2017 for the offences
registered under Sections 188, 379/34 of the Indian Penal Code as
also MM DR Act, 1957, 4/40(B) of BMMC Rules, 1972, 3/8d
Bihar Minerals (Prevention of Illegal Mining and Transportation
and Storage) Rules, 2003.

Learned counsel for the petitioner submits that this
petitioner was not apprehended at the spot where the vehicle in
question was intercepted by the competent officer under the
BMMC Rules 1972. This petitioner, it is submitted, has been
falsely implicated only because at some point of time he had been
working as a driver of Navin Kumar, who happened to be the



owner of the vehicle. Learned counsel submits that the petitioner is ready to submit an affidavit stating that at the relevant time he was not working as a driver of this vehicle.

Learned counsel for the State is present and submits that this petitioner seems to have fled away when the vehicle in question was intercepted.

Having considered the facts and circumstances of the case, as the petitioner is not said to be the owner of the vehicle I am inclined to grant anticipatory bail to the petitioner. In case of his arrest or surrender in the learned court below within four weeks from today, the petitioner, named above, is directed to be released on bail on his furnishing bail bonds of Rs. 15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Hajipur (Vaishali) in connection with Garaul (Kathara O.P.) P.S. Case No. 222 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C and the petitioner shall also file an affidavit to the effect that he was not working as a driver of the owner of the vehicle at the relevant time.

(Rajeev Ranjan Prasad, J)

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