

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45042 of 2019

Arising Out of PS. Case No.-165 Year-2019 Thana- LAKHISARAI District- Lakhisarai

Praveen Kumar, Son of Naval Prashad Yadav, Resident of Village- Nista, P.S.-
Suryagadha, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bihar Minor Mineral Mines, Lakhisarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Binay Kumar, Adv.
For the Opposite Party/s	:	Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 01-10-2019 Heard learned counsel for the petitioner and learned
APP for State.

The petitioner in this case is seeking anticipatory bail in connection with Lakhisarai (Kawaiya) P.S. Case No.165 of 2019 registered for the offences punishable under Sections 379, 411, 225, 467, 468, 471, 323 and 353/34 of the Indian Penal Code, Section 4/40 of the Bihar Minor Minerals Mines Concession Act 1972, Sections 4/6/8 of the Bihar Control of Protection of Illegal Mining Transportation Storage Act 2003 and Section 15 of the Environment Protection Act, 1986.

Learned counsel for the petitioner submits that it is not possible to flee away with the truck from the area in question where it is alleged that the petitioner had tried to take



away the truck. It is further submitted that the papers of ownership of the vehicle had been earlier lost and in this regard son of the petitioner had lodged a Sanha. Learned counsel submits that the entire allegation of causing assault and an attempt to snatch the rifle and the mobile phone are false and flimsy.

Learned APP for the State has opposed the prayer for anticipatory bail. It is submitted that when the vehicle in question was intercepted loaded with chips, the driver produced a forged and fabricated transport challan. Referring to the copy of the challan available at page 15 and 16 as annexures to the First Information Report, learned counsel submits that these are the copy of the forged challan which bear the registration number of the vehicle in question. When it was detected and the truck driver was asked to take the truck to the Bazar Samiti, the alleged occurrence took place with the informant.

In the given facts and circumstances of the case where the allegations are that this petitioner was transporting the chips on the truck with forged transport challan and then on being intercepted he indulged in a scuffle with the informant and even attempted to snatch the rifle and had snatched the mobile phone, this Court is not willing to extend the privilege of anticipatory



bail to the petitioner. The prayer is refused.

In case the petitioner surrenders in the court below within a period of four weeks from today and prays for regular bail, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

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