

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44679 of 2019

Arising Out of PS. Case No.-291 Year-2019 Thana- JAMUI District- Jamui

JITENDRA SINGH S/o- Bhairo Singh Resident of Village- Dinari, P.O.-
Tihya, P.S.- Khaira, District- Jamui Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar
For the Opposite Party/s : Mr.Anish Chandra
For Mn es Department : Mr. Naresh Dixshit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

5 17-08-2019 Heard learned Counsel for the petitioner, learned

Counsel appearing on behalf of the Mines Department and

learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Jamui Police Station Case No. 291 of 2019, disclosing
offences under Sections 379, 411, 341, 323, 353 of the Indian
Penal Code, Section 4 (4) B. M. M. C. Act, Section 8 (A) of
Bihar Mineral Act and Section 15 of the Forest and
Environment Act.

The allegation against the petitioner, as per the First
Information Report, is that the police caught a truck, bearing
registration no. BR 53G-4825, which was loaded with stone
chips. On enquiry, the driver of the said truck disclosed his
name as Navin Yadav and when the permit of the loaded stone
chips was demanded, he failed to produce any valid document.
In the mean while, the owner of the truck, i.e. the petitioner,



came along with 8-10 persons on a vehicle and forcibly took the driver of the said truck from the custody of the police and fled away.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as the vehicle was driven by the driver, from whom permit of the stone chips loaded in the truck was demanded by the police. He further submits that the permit of the stone chips was very much available but with oblique motive the driver of the truck was implicated in this case and false allegation has been levelled that he was freed by the petitioner from the custody of the police. He, relying upon Annexure-2, submits that the stone chips were brought from Birbhum, in West Bengal, and the competent authority of the West Bengal had issued transit pass/challan, regarding the stone chips being carried out in the truck in question. He further submits that the petitioner has got no criminal antecedent.

On the other hand, learned Counsel for the Mines Department submits that the driver had surrendered and he has been granted bail and other co-accused persons have also been granted bail by the learned Court below itself.

After having heard learned Counsel for the parties and



taking into consideration the fact that the challan has been produced by the petitioner before this Court and he has no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Jitendra Singh, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui, in connection with Jamui Police Station Case No. 291 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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