

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44984 of 2019

Arising Out of PS. Case No.-48 Year-2019 Thana- BARUN District- Aurangabad

1. RAKESH KUMAR S/o Arvind Kumar Singh R/o village- Pandit Bigha near Railway Station Kochar, P.S.- Barun, District- Aurangabad
2. Jokhan Kumar S/o Ram Sighasan Singh R/o village- Chakiya, P.S.- Dehri On Sone, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-07-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Barun Police Station Case No. 48 of 2019, disclosing offences under Sections 186/341/323/353/356/379/504/506/34 of the Indian Penal Code.

The allegation against the petitioners, on the basis of the statement made by the Chowkidar in the First Information Report, is that as per the statement of the Officer-in-Charge of the Barun Police Station, the petitioner was deputed for the safety of a truck, bearing Registration No. BR 24 GB-1774, which was seized in connection with Barun Police Station Case



No. 47 of 2019, along with sand. It has further been alleged that the driver and owner of the said truck along with other accused persons came and forcibly taken away the truck from the custody of the informant.

Learned Counsel for the petitioners submits that the petitioner no. 1 is the owner of the truck and petitioner no. 2 is the driver. He further submits that the truck, in question was stopped for search by the police and Mines Department and sand was found loaded, for which the petitioner was carrying a valid permit. He further submits that another case, pertaining to illegal sand being carried in the truck was registered, being Barun Police Station Case No. 47 of 2019, in which the petitioners were made accused. He relied on Annexure-3, which is an order passed by this Court in Criminal Misc. No. 32531 of 2019, in which the petitioners have been granted anticipatory bail by order, dated 16.05.2019. He also submits that no seizure memo or list was prepared or given to the petitioners regarding seizure of the concerned truck and after seeing the valid permit, they were allowed to take away their truck.

After having heard learned Counsel for the parties and taking into consideration the fact that petitioners were carrying valid permit for the sand and have been granted anticipatory bail



by this Court in connection with Barun Police Station Case No. 47 of 2019, I am inclined to grant the petitioner privilege of anticipatory bail.

Accordingly, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Barun Police Station Case No. 48 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 petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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