

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46808 of 2019

Arising Out of PS. Case No.-44 Year-2019 Thana- GANGTA District- Munger

1. KAPIL KUMAR @ KAPILDEO MANDAL Son of Sri Ramji Mandal Resident of Mohalla-Purwari Tola, Farde, P.S.-Sofia Bagh, P.O.-Munger, District-Munger.
2. Md. Akbar Son of Md. Ashgar Resident of Mohalla-Hajratganj, Khank, Gali No.12, P.O.-Munger, District-Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 30-07-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Gangta P.S. Case No.44 of 2019 registered under Sections 379 and 120-B of the Indian Penal Code.

The accusation is that the truck belonging to the petitioner no.2, namely, Md. Akbar, was being driven by the petitioner no.1, namely, Kapil Kumar alias Kapildeo Mandal. On checking, the truck was found overloaded with stone chips and, thereafter, the truck was seized and parked in front of the police station but, later on, the petitioner no.1 took away the truck from there and unloaded the stone chips. On search, the truck was again seized by the police.

Learned counsel for the petitioners submits that the petitioner no.2, who is the owner of the truck, had no knowledge



about overloading the stone chips on the truck as the truck was being driven by the petitioner no.1.

Having considered the facts and the circumstances of the case, let the petitioner no.2, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Munger, in connection with Gangta P.S. Case No.44 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

So far as the petitioner no.1, above named, is concerned, considering the nature of allegation against him, I am not inclined to grant him the privilege of pre-arrest bail and, accordingly, his prayer for grant of pre-arrest bail stands rejected. However, the petitioner no.1, above named, is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

