

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3818 of 2020

Arising Out of PS. Case No.-55 Year-2017 Thana- PHENHARA District- East Champaran

1. RATNESH KUMAR @ RATNESH KUMAR SINGH Son of Uma Shankar Singh Resident of Village-Daulatpur, P.S.-Hajipur Sadar, District-Vaishali.
2. Vibhash Kumar @ Bibhash Kumar Chaudhary Son of Gopal Chaudhry Resident of Village-Shahpur, P.S.-Tisiauta, District-Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi
For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-01-2020 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Phenhara P.S. Case No. 55 of 2017 for the offence registered under Sections 353, 379/34 of the Indian Penal Code.

The allegations is regarding the informant who is the Choukidar of the village having been deputed by the S.H.O. of Phenhara Police Station to keep watch over the two apprehended trucks which were loaded with stones whereafter the petitioners herein had arrived there and had asked the informant to release the trucks, however, the informant had told them that without permission of the S.H.O. he cannot release the trucks. However, when the informant had gone to ease himself and thereafter had returned, he found both the



trucks along with the petitioners herein missing from the said place where the trucks had been parked. It is alleged that the trucks had been detained to recover the fine, however, the petitioners had taken away their trucks without depositing the fine.

The learned counsel for the petitioners has submitted that the petitioners are merely the drivers of the said trucks and have been falsely implicated by the owner of the truck in connivance with the police.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioners, this Court finds that the petitioners have unscrupulously fled away along with the confiscated trucks in question, without payment of fine, thus serious accusation has been levelled against the petitioners herein, hence considering the gravity of the offence alleged, this Court finds that the present case is not a fit case at least for grant of anticipatory bail to the petitioners, hence the same is dismissed.

(Mohit Kumar Shah, J)

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