

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24439 of 2020

Arising Out of PS. Case No.-11 Year-2020 Thana- KORANSARAI District- Buxar

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1. ABHISHEK KUMAR Son of Amar Nath Singh Resident of Village - Rama Devi Temple, P.S.- Varanasi Town, Distt.- Varanasi, Uttar Pradesh.
 2. Kempu Kumar Son of Shyam Narayan Resident of Village - Gaura, P.S.- Dinara, Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-10-2020 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor representing the State, through Video Conferencing.

The petitioners apprehend arrest in connection with Koran Sarai Police Station Case No. 11 of 2020, registered for the offences punishable under Section 379/34 of the Indian Penal Code.

The allegation against the petitioners, as per the First Information Report, is that the truck, bearing registration no. UP 65GT/4205, along with other vehicle, were seized near Allahabad Bank by Koran Sarai Police on 25.01.2020 and the same were kept in the safe custody of the informant



(Chowkidar). It has further been alleged that on 28.01.2020, at around 03:30 AM, the owner and the driver of the truck in question stole the said vehicle from the possession of the informant and with the help of the police, the said vehicle was seized and both the petitioners succeeded in fleeing away.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case with oblique motive. He further submits that from perusal of the First Information Report, it would be evident that the vehicle in question was allegedly seized by Koran Sarai police due to overloading, but there is no seizure memo to show that the said vehicle was actually seized by the police on 25.01.2020. He further submits that in absence of any seizure memo prepared on 25.01.2020 by the police, it cannot be said that the petitioners lifted the vehicle in question from the custody of the informant. He further submits that the petitioner no. 1 is the owner of the truck in question; whereas petitioner no. 2 is the driver and they have malafidely been dragged in this case.

After having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that no seizure list is on record to show that the vehicle in question was seized by the police on 25.01.2020, I am inclined



to grant the petitioners privilege of anticipatory bail.

This application is allowed.

Accordingly, let the petitioners, above named, be released on bail, in the event of their arrest or surrender before the Court below within a period of six weeks from today, upon 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, Buxar, in connection with Koran Sarai Police Station Case No. 11 of 2020.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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