

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37241 of 2020

Arising Out of PS. Case No.-107 Year-2020 Thana- KONCH District- Gaya

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1. Manju Devi Wife of Pramod Yadav Resident of Village- Shiva Bigha, P.S. - Konch, District- Gaya
 2. Vikash Kumar @ Vikash Yadav Son of Devendra Prasad Resident of Village- Bara Cherki, P.S.- Konch, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-10-2021 Heard Sri Sanjay Kumar, learned counsel for the petitioners and learned counsel for the State.

Petitioners seek anticipatory bail in Konch P.S. Case no. 107 of 2020 dated 10.04.2020 registered for the offence punishable under sections 188 and 379/34 of the Indian Penal Code.

Learned counsel for the petitioners, at the outset, submits that petitioners are person with clean antecedent and from perusal of the allegation as alleged in the FIR, it would manifest that informant Saurabh Kumar, Sub Inspector of Police has alleged that on 09.04.2020 while he was on night patrolling at Guraru Ahiyapur road along with armed police then at 00.15



hours, he received information that some tractor owners and drivers are lifting sand illegally taking benefit of lock down during Corona Vires and transporting the same by committing theft. Accordingly, it is alleged that the informant reached at the place of occurrence and saw four tractors, three of which were blue colour and one was red colour. All tractors were loaded with sand and the tractors were not carrying any registration number nor the trolley of the tractors were having any registration number. Accordingly, it was alleged that tractors owners and drivers had been transporting sand after committing theft of the sand.

Learned counsel for the petitioners further submits that petitioners have been falsely implicated in this case as during the period of lock down, it was not possible to come out from the house. Police was brutally assaulting those who violated the order of lock down. Further, learned counsel for the petitioner submits that police had secret information about the occurrence, but the petitioners were not present at the place of occurrence which amply demonstrates that the petitioners were not indulging in theft and the tractor was seized from the road near their house.

Learned APP vehemently opposes the prayer for



anticipatory bail.

Considering the facts and circumstances of the case, in the event of arrest/surrender within ten weeks from today, the petitioners are directed to be released on anticipatory bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate III, Gaya in Konch P.S. Case no. 107 of 2020 subject to the condition under section 438(2) Cr.P.C.

(Satyavrat Verma, J)

s.hassan/-

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