

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3422 of 2021

Arising Out of PS. Case No.-447 Year-2020 Thana- BANKA District- Banka

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1. RAJESH KUMAR Son of Niranjana Prasad Yadav Resident of Village - Manjhouni, P.S.- Rajoun, District - Banka.
 2. Rabindra Yadav Son of Janardhan Yadav Resident of Village - Bihanchak, P.S.- Amarpur, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 22-11-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners are expected to honour their undertaking to remove the defects, as pointed out by the office, when called upon to do so by the office.

The petitioners are apprehending their arrest in connection with Banka P.S. Case No. 447 of 2020 for the offence registered under Sections 379, 411 of the Indian Penal Code and under Section 21 MMDR Act 1957 and under Section 15 PE Act.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. It is further submitted that the petitioners are drivers of the two



trucks in question, but they were not driving the vehicle on the alleged date of occurrence as they are part time drivers, hired by the owners to drive the vehicle. It is further submitted that Sections 379 and 411 of the Indian Penal code are not applicable in the case as the offence relates to special Act. It is further submitted that the petitioners are not named in the first information report and they have no criminal antecedent. It is further submitted that nothing has been recovered from the conscious possession of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest/surrender before the court below within a period of four weeks from today, 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 learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 447 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Sunil Kumar Panwar, J)

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