

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45040 of 2022

Arising Out of PS. Case No.-104 Year-2022 Thana- PARASBIGHA District- Jehanabad

-
1. SANJAY KUMAR Son of Shivballav Prasad Resident of Village - Bhalua, P.S.- Belaganj, District - Gaya
 2. Ranjeet Kumar Son of Dhanesh Yadav Resident of Village - Mishripur, P.S.- Makhdumpur, District - Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Mining Officer, Jehanabad Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-12-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 379, 411, 307, 427 and 34 of the Indian Penal Code.

The informant alleges that a Hyva truck was apprehended laden with 400 cubic ft. of stones worth Rs. 1,42,457/-, further the local people pelted stones when the truck was being brought to the Police Station.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and have been falsely implicated in the present case, it is next submitted that



petitioner no. 1 has been implicated merely because he is owner of the Hyva truck and as such was not knowing that what the driver was doing and petitioner no. 2 is the driver.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that petitioner no. 1 is owner of the truck and petitioner no. 2 is his driver and the truck was apprehended laden with 400 cubic ft. of stones worth Rs. 1,42,457/- and the petitioners have not deposited the fine, as raised by the department, it is next submitted that since the truck belongs to the petitioner no. 1, the same amply demonstrates that it was in knowledge of the petitioner that the truck was being misused by his driver, it is also submitted that the driver is also petitioner no. 2 in the present case, it is further submitted that had the driver misused the vehicle then the petitioner no. 1 instead of getting his anticipatory bail would have handed him over to the police.

Learned counsel for the petitioners submits that petitioners are willing to deposit the fine as raised by the department, it is also submitted that the amount will be paid within a period of 8 weeks from today.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Parasbigha P.S. Case No. 104 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, the learned Trial Court before accepting the bail bonds of the petitioner shall verify the fact whether the fine has been deposited by the petitioners or not and in the event, if no receipt of depositing the fine is submitted at the time of seeking bail, the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

GauravSinha/-

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

