

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70515 of 2021

Arising Out of PS. Case No.-133 Year-2020 Thana- GANGTA District- Munger

SIYARAM KUMAR Son of Satendra Prasad Resident of Village- Dewaria,
P.S.- Ben, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Ms. Veena Kumari Jaiswal, APP
For the Department of Mines	:	Ms. Kalpna.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 379 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and further submits that from perusal of allegation as alleged in the FIR, it would manifest that Department of Mines had seized five trucks and since there was constraint of space in their office, it was handed over to the police, it is next alleged that since in the police station, it was not possible to accommodate all the five trucks, as such the trucks were kept at a distance of



hundred meter away from the police station under protection of the police officer, it is further alleged that one driver and cleaner (Khalasi) after talking to their owner forcefully took away the trucks from the police station.

Learned counsel for the petitioner submits that petitioner is the owner of the truck which is alleged to have been taken by the driver and cleaner from the custody of the police, it is next submitted that it absolutely does not stand to reason that on what basis the trucks were seized in absence of an FIR, it is also submitted that Department of Mines has not instituted an FIR with regard to any offence in which the trucks were found to be involved, the learned counsel for the petitioner also submits that it absolutely does not stand to reason that how come the informant knew that the driver, Khalasi and cleaner were talking to their owner and if the informant heard the driver and the cleaner talking to the owner then definitely he should have been more careful, so that the present occurrence could not have taken place, it is thus submitted that petitioner came to be implicated merely because he is owner of the vehicle and that too in absence of an FIR.

The case was taken up on 28.07.2022 and a copy of



the anticipatory bail application was served on the Department of Mines on 29.07.2022 as submitted by the learned counsel for the petitioner but today when the matter is taken up the learned counsel appearing on behalf of the Department of Mines opposes the anticipatory bail application but is not in a position to rebut the submission of the learned counsel for the petitioner that the vehicle was seized in absence of an FIR

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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) 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 Gangta P.S. Case No. 133 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Learned trial court before accepting the bail bond, the petitioner shall verify whether any FIR was instituted by the Department of Mines or not and in the absence, it is found that no FIR was instituted on the date of seizure of the vehicle



then the present order shall be given effect too and, in the even, if it is found that vehicles were seized in pursuance of an FIR then the present order of anticipatory bail shall not be acted upon.

(Satyavrat Verma, J)

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