

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10201 of 2023

Arising Out of PS. Case No.-166 Year-2022 Thana- WAJIRGANJ District- Gaya

MD. ARIF Son of Md. Sahid Khan Resident of Village - Chain Bigha Tarwan,
P.S.- Wazirganj, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar

For the Opposite Party/s : Mr. Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-05-2023 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 and Section 21 M.M. (D&R)R II and 18, 56, M.M. (D.R.) Rule, 2021.

As per the prosecution case, when the informant along with police force was on patrolling duty, they saw a tractor loaded with sand and after seeing the police the driver tried to escape, in spite of best effort the driver could not be apprehended.

Learned counsel for the petitioner submits that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the



petitioner is not specific rather general and omnibus in nature. He submits that during the course of investigation the name of the petitioner came in light as owner of the vehicle. He further submits that the vehicle in question has been duly registered by the department of transport bearing Registration no. K23SH-98500553 dated 28.10.2021 in the name of the petitioner, a copy of registration card is enclosed as Annexure-3 of the bail application. He further submits that on the date and time of occurrence the petitioner was going with his tractor on which the bricks were loaded having valid challan, a copy of the challan is enclosed as Annexure-2 to the bail application. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposes prayer for anticipatory bail.

Considering the facts and circumstances of the case and the fact that there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of



the learned Court below where the case is pending/successor Court in connection with Wazirganj P.S. Case No. 166 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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