

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16154 of 2023

Arising Out of PS. Case No.-440 Year-2022 Thana- GHOSI District- Jehanabad

1. SANJAY SHARMA S/o- Ramesh naresh Sharma Village- Kairwa Ps- Ghoshi, Dist- Jehanabad
2. Niranjan Kumar son of Arvind Sharma Village- Dhongra PS- Ghosi, Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arghesh Kumar, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-05-2023 Heard the learned counsel for the petitioners and
the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Ghoshi PS case no. 440 of 2022, registered for the offences punishable under Sections 379/411 of the Indian Penal Code.

The allegation is regarding a tractor/ trailer being seized by the informant, on which sand was loaded and it has been alleged that the sand loaded on the trailer in question was illegal and no *challan* had been issued, hence, the tractor was seized by the police. The petitioner no. 1 is stated to be the owner of the tractor in question and the petitioner no. 2 is the



driver.

The learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that the petitioners are accused in one another case but they are on bail in the said case. The learned counsel for the petitioners has referred to Annexure 2 to the present petition to show that the petitioners were possessing valid *challan*. It is also submitted that no illegal sand was being ferried on the said tractor in question.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record apart from considering the fact that the petitioners have annexed the *challan* in question to show that they were legally ferrying the sand in question, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a



copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Jehanabad in connection with Ghoshi PS case no. 440 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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