

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37568 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- MADHAURAH District- Saran

SANJAY KUMAR GUPTA SON OF YOGENDRA PRASAD GUPTA
RESIDENT OF VILLAGE - DORIGANJ KAJITOLA, P.S. - DORIGANJ,
DISTRICT - SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-07-2023 Heard the parties.

2. The petitioner apprehend his arrest in a case registered for the offence punishable under Sections 147, 148, 149, 323, 332, 333, 353, 427, 504, 506 of the Indian Penal Code, Section 56 M.M.D.R. Act and Section – 15 of Environment Protection Act.

3. As per the FIR, the police seized several trucks overloaded with yellow sand. It is alleged that co-accused Raj Kumar Yadav came on a scorpio and on whose instigation, the staff of the trucks attacked the raiding party, damaged the vehicle of the informant and also attacked the informant. It is further alleged that the accused persons fled away from the spot with their trucks, except a truck bearing registration no.UP-75M-3981, which was out of order due to some mechanical



issue. The petitioner is the owner of the said truck and on that basis he has been made accused in the present case.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the petitioner. Petitioner has been made accused in the present case because he is the owner of one of the seized trucks. He further submits that the driver of the truck had gone to Patna to bring some parts of the truck which was broken and the truck was seized by the police out of suspicion. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case as there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his/her 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 Madhauna (Gaura O.P.) P.S. Case No.35 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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