

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45938 of 2023

Arising Out of PS. Case No.-158 Year-2023 Thana- KUDRA District- Kaimur (Bhabua)

Jeet Narayan Tiwari @ Jit Narayan Tiwari, Son Of Late Umashankar Tiwari,
Resident Of Village- Betari, P.S.- Bhabua ,District- Kaimur At Bhabua

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar Garg, Advocate

For the Opposite Party : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in this case is seeking pre-arrest bail in connection with Kudra P.S. Case No. 158 of 2023 registered for the offence punishable under Sections 379, 411, 467, 468, 471 of the Indian Penal Code and Section 56(1)(2) of Bihar Minerals (Illegal Mining, Concession, Transportation and Storage) Prevention Rule, 2021. He has no criminal antecedent.

3. As per the prosecution story, on 12.05.2023 at about 08:30 P.M. when the informant along with other police personnel was on patrolling duty, a truck bearing Registration No. MH40BG 1465 was caught transporting sand with forged challan. Thereafter the present FIR has been lodged against the driver and the owner of the said vehicle.

4. Learned counsel for the petitioner submits that the

petitioner has been implicated in this case only because he is owner of the vehicle. The petitioner was neither present on the spot nor he had been arrested from the spot.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the materials available in the case diary, particularly, in paragraph ‘44’ thereof showing that the vehicle was engaged in transportation of sand which has been illegally mined and in the process a forged challan was being used and the case has been found true against the petitioner, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

7. Prayer is refused.

8. In case, the petitioner surrenders and prays for regular bail within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

9. This application stands dismissed.

(Rajeev Ranjan Prasad, J)

lekhi/-

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