

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45880 of 2023

Arising Out of PS. Case No.-87 Year-2022 Thana- PHULWARISHARIF District- Patna

NITISH KUMAR SINGH Son of Awadhesh Singh Resident of village -
Karori Chak, P.S. - Phulwarisharif, Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 04-08-2023 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Phulwarisharif (Janipur) Police Station Case No. 87 of 2022, dated 04.02.2022, disclosing offences punishable under Sections 420/379/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the Officials of the Mines Department seized one Hyva truck, bearing registration no. BR 01GF-6036 and one tractor, in connection with the illegal mining and both the vehicles were kept near the Police Station. It has been alleged that the owner of the tractor got the vehicle released after payment of compensation to the Mines Department, but the Hyva truck was found missing and upon enquiry, the owner of the Hyva truck told the police



that with the help of the second key, the Hyva truck was brought to him by its driver.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and at the time of occurrence, he was not the owner of the seized Hyva truck inasmuch as he has sold the said Hyva truck in favour of one Avadhesh Ray, in whose favour, the said truck has been released by order, dated 10.07.2023, passed by 14th Additional Chief Judicial Magistrate, Patna.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that at the time of occurrence, the petitioner was not the owner of the truck and sold the said Hyva truck in favour of one Avadhesh Ray and in whose favour, the said truck has been released by learned 14th Additional Chief Judicial Magistrate, Patna, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing



bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 14th Additional Chief Judicial Magistrate, Patna, in connection with Phulwarisharif (Janipur) Police Station Case No. 87 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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