

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46957 of 2022

Arising Out of PS. Case No.-59 Year-2022 Thana- RAJPUR District- Buxar

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ANAND KUMAR RAI @ ANAND RAI S/O SRI UMESH RAI Resident of
village- Jalhara, P.S.- Rajpur, District- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Prasad Singh, Sr. Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 03-01-2023 Heard Mr. Krishna Prasad Singh, learned Senior

Counsel for the petitioner and Mr. Bharat Bhushan, learned

counsel for the State.

The petitioner apprehends his arrest in connection
with Rajpur P.S. Case No. 59 of 2022 for the offence registered
under Sections 188, 353 and 379 of the Indian Penal Code.

As per the allegation in the FIR, the police intercepted
six trucks laden with sand. Although the police managed to
seize four trucks, the other two trucks without number plate was
taken away by the petitioner. Accordingly, the present FIR has



been lodged.

Learned Senior Counsel for the petitioner submits that due to the police checking on the highway, there was a complete chaos and traffic jam and only to regulate the traffic, the police was requested take the truck apart from the road which annoyed them and that led to lodging of the FIR against him. It is his further submission that it is impossible for one person to take away two trucks when the entire police party was present there.

Learned APP for the State, on the other hand, submits that there is revenue loss to the State exchequer due to the taking away of the two trucks laden with sand.

Taking into account the submissions put forward by the learned Senior Counsel as also that he do not have criminal antecedent and ultimately he had to face the music/(Trial) in view of the fact that the FIR has already been lodged, this Court is inclined to grant him relief.

In the aforesaid circumstances, the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 25,000/- (Twenty Five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection



with Rajpur Police Station Case No. 59 of 2022 subject to
condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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