

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53753 of 2023

Arising Out of PS. Case No.-171 Year-2023 Thana- RANIYATALAB District- Patna

1. BRIJ BHUSHAN SON OF MAHENDRA PRASAD RESIDENT OF VILLAGE- UJIRPUR, PS- BIKRAM, DIST- PATNA
2. SURAJ KUMAR @ SURAJ PASWAN SON OF RAM JEEVAN PASWAN RESIDENT OF VILLAGE- DORAPUR, PS- RANI TALAB, DIST- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay, Adv.

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-08-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Petitioners apprehend their arrest in connection with Rani Talab P.S. Case No.171/2023, registered for the offence punishable u/s 379/411/414/353/504/34 of the IPC.

3. As per the prosecution case, on the information of transportation of illegal sand by an overloaded Haiwa Truck, the raiding team went at the spot and found a Haiwa Truck, whose driver fled away from the spot. The police was in process of taking the vehicle to police station and also stopped a tractor overloaded with sand and on demand of challan, the tractor driver could not produce it. It is alleged that in the meantime,



one Nagendra Kumar came and requested to release the Haiwa truck, thereafter the owner of tractor namely Santosh Paswan came and started disturbing the police party in discharging their official and misbehaved with them. Santosh Paswan called the villagers and threatened the police and in the meantime, petitioner drove away the Haiwa truck from the spot.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. It is submitted that petitioners did not know the said Nagendra Kumar. Petitioner no.1 is the owner of the Haiwa truck and petitioner no.2 is its driver. Petitioners have no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that the petitioners failed to produce any valid paper or challan with regard to the overloaded sand which was being transported by the petitioners and they took away the truck after creating nuisance in between the discharge of police duty.

6. Having regard to the facts and circumstances of the case and considering the nature of allegation, I am not inclined to enlarge the petitioners on bail. The prayer for grant of



anticipatory bail on their behalf is hereby rejected.

7. This application is accordingly dismissed.

8. However, petitioners are at liberty to surrender before the learned court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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