

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55955 of 2023

Arising Out of PS. Case No.-545 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

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Lalit Yadav, S/O Late Tengari Yadav, R/O Vill- Dharahara Mela, Ps- Kateya,
Dist- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Advocate
For the Opposite Party/s : Ms. Dr. Indihar Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-11-2023 Heard Mr. Arbind Kumar Singh, learned counsel

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Gopalganj P.S. Case No. 545 of 2022, registered for the
offences punishable under Sections 379, 411/34 of the Indian
Penal Code.

3. It is alleged that the mining officer, Gopalganj,
seized a truck bearing registration no. UP57T 0791 which was
found overloaded with the sand and consequent thereupon the
same was kept in the judicial custody at Gandhi College. It is
further alleged that in the midnight, five to six unknown persons
entered in the Gandhi College campus and stealthily taken away



the truck in question, when the police personnels tried to intercept the truck, the petitioner is said to be driver of the truck, tried to run over the personnels and succeeded in fleeing away.

4. Learned counsel appearing on behalf of the petitioner submits that so far the allegation with with regard to the seizure of the truck in question is concerned, no paper has been placed on record, which prima facie suggest that the truck in question had ever been seized by the mining officer. He further submits that during the course of investigation, the truck in question was recovered from the out-house of Bulet Yadav and Rakesh Yadav and so far the petitioner is concerned, he has been identified as a driver of the truck in question only on the basis of documents. He next submits that there are other infirmities in the search and seizure, in as much as, there is no compliance of Section 100 of Code of Criminal Procedure. Moreover, the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioner was identified while he was fleeing with the truck which was kept in judicial custody.



6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no seizure memo on record, suggesting the earlier seizure of the truck in question, that apart the petitioner is a driver having fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj P.S. Case No. 545 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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