

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67942 of 2022

Arising Out of PS. Case No.-298 Year-2014 Thana- BUXAR District- Buxar

MANISH SINGH S/O LATE MARKANDEY SINGH Resident of village-
Tikhampur, P.S.- Kotwali Ballia, District- Ballia (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vindhya Keshari Prasad Singh, Sr. Adv.
	:	Mr. Neeraj Kumar Alias Sanidh, Adv.
For the Opposite Party/s	:	Mr. H.A. Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 27-03-2023 Heard learned senior counsel for the petitioner and
learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 420 and 379/34 of the Indian Penal Code pending in the learned court below.

There is allegation against the petitioner is that he along with co-accused is that by way of fraud took away the truck bearing registration no. UP60T-9193 from the Police Station without paying the fine.

Learned senior counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that as per F.I.R. no case under Section 420 and 379 I.P.C. is made out since there is no seizure list in



this case and without seizure list no offence is made out. He submits that petitioner's one Truck UP 60T-9596 was seized by Buxar Police which was released on payment of give of Rs.27,000/- to the petitioner, and after that with greed eyes this false case has been filed. He further submits that no seizure list of 2nd truck is attached with this F.I.R. which shows that falsity of the case and no offence is made out against the petitioner. He submits that even no any sort of document has been brought on record by the police whether the truck no. UP60T 9192 belongs to this petitioner or he is the owner, neither the owner book nor any other document is there to show that alleged truck belongs to this petitioner. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

Learned APP for the State opposes for prayer for bail and submits that , Rananjay Kumar, In-charge of Traffic Buxar seized truck no. UP60T 9192 & second truck no. UP60T 9596, and took away to P.S., but due to no proper space, both trucks were kept outside of premises of P.S. according to seizure list. Owner of truck is Manish Singh & Driver is Ramashray Yadav. Such owner & Driver of Truck deposited Rs.27,000/- for one truck no. UP60T 9596 only, but by giving bluff Manish Singh, Petitioner & Driver Ramashray Yadav along with said truck no.



UP60T 9192 loaded with sand fled away without depositing fine amount taking advantage of darkness.

Considering from perusal of the case diary and seizure list and the fact that the said truck is not seized by the Police, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Buxar (Town) P.S. Case No.298/2014, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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