

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68171 of 2022**

Arising Out of PS. Case No.-354 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

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MANOJ KUMAR ROY @ MANOJ KUMAR RAY @ MANOJ KR. RAY
S/O, MAHADEV ROY Resident of village- Sadapur Mahua, Near Dashrath
Chowk, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad, Advocate
For the Opposite Party/s : Ms. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 20-03-2023 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Sadar Police Station Case No. 354 of 2022, for the offences
punishable under Sections 279, 337, 338, 353, 307/34, 120(B) of
the Indian Penal Code.

The prosecution story in brief is that the informant who is a
police officer while on patrolling duty along with his co-Officer,
two pick up van bearing Registration No.BR-06GE 5097 and BR-
07G-7536 intentionally collided with the police vehicles with full
force and out of such impact, Constable Harendra Kumar got
injured. The FIR does not contain the name of the driver or the
owner of the two vehicles.

Learned counsel appearing on behalf the petitioner
submits that FIR is against unknown and in course of investigation,



the petitioner has been dropped in the present case. The petitioner being the driver is unaware of such incidence, however, he submits that petitioner's vehicle was loaded with vegetable and other items while the vehicle which was in front of the petitioner's vehicle collided with the police van. Learned counsel for the petitioner further submits that the petitioner is innocent and has falsely been implicated in the present case.

Learned A.P.P. appearing on behalf of the State has vehemently opposed the bail application.

Heard the rival submissions of the parties and perused the record. Perusal of the FIR reveals that two vehicles bearing Registration No. BR-06-GE-5057 on which the petitioner claims to be driver and BR-07G-7536 had made with an accident with the police patrolling van and the FIR was registered against unknown. The petitioner has pleaded that he has no concern with the two vehicles, however, due to inimical terms with the owner of the vehicle, the petitioner's vehicle bearing Registration No.BR06-GE-5057 and the petitioner has been roped in the present case. The petitioner has clean antecedent.

Considering the aforementioned facts, let the petitioner, named above, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing



bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Darbhanga, in connection with Sadar Police Station Case No. 354 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure and subject to further condition that the Court below must obtain a report from the District Transport Officer, Darbhanga with respect to the vehicles as mentioned above and if it is found that the vehicle bearing Registration No.BR06-5097 registered in the name of petitioner and no incriminating article has come against the petitioner and subject to the further condition that in case if it is found that the statement made in paragraph No.3 of the present bail application is found to be incorrect and some other criminal cases are pending against the petitioner, this order will automatically loose its force.

With the aforesaid observation and direction, this application is allowed.

(Purnendu Singh, J)

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