

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71606 of 2023

Arising Out of PS. Case No.-254 Year-2023 Thana- BIHAR District- Nalanda

Shipahi Yadav, son of Kishori Yadav, resident of Village- Makduane, P.S.-
Manpur, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Bihar P.S. Case No.254 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 337, 307, 332, 333, 353, 379, 411, 504, 420 and 506 of the Indian Penal Code. The petitioner has got two criminal antecedents in which he is said to be on bail.

3. As per the prosecution story, the allegation against the petitioner is that he was found involved in illegal transportation of sand.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the petitioner is not the owner of the vehicle and he has no concern with the illegal

business of sand.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein it is alleged that this petitioner was the driver of the tractor involved in transportation of illegally extracted sand and after his arrest by police, the sand *mafia* attacked the police force and took away the petitioner from the custody of the police together with the tractor, in the nature of the allegations showing that the petitioner is said to be involved in illegal transportation of sand and he has got two criminal antecedents as well, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. Prayer is refused.

7. In case the petitioner surrenders and prays for regular bail in the learned court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

8. This application is dismissed.

(Rajeev Ranjan Prasad, J)

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