

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20014 of 2024

Arising Out of PS. Case No.-282 Year-2023 Thana- DHORAIYA District- Banka

1.

Taimun Bibi WIFE OF MD. SHAHIN ANSARI RESIDENT OF VILLAGE- SARKANDA PAIRDIH, PS- TOWN, DISTT- GODDA JHARKHAND
2.

MD. MANSUR ANSARI @ MD. MANSOOR ANSARI SON OF SARAFAT ANSARI RESIDENT OF VILLAGE- SARKANDA PAIRDIH, PS- TOWN, DISTT- GODDA JHARKHAND

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 414 of the Indian Penal Code.

3. The prosecution case , in brief, is that on October 5, 2023, during the course of patrolling, the informant and his team intercepted a Bolero pick-up vehicle bearing No. JH1SAD704, loaded with four oxen, near village Kushmaha. On seeing the police personnel, the driver and two riders fled away from the spot. Accordingly, the informant seized the aforesaid vehicle along with loaded oxen and lodged the present case



against the owner and the driver of the aforesaid vehicle, as well as against the unknown riders.

4. Petitioner No. 1 is the owner of the vehicle in question and petitioner No. 2 the driver of the vehicle .

5 . It is submitted on behalf of the petitioners that they have falsely been implicated in this case merely because they happened to be the owner and driver of the vehicle in question. The seized vehicle is a public carrier; as a matter of fact, someone had hired the seized vehicle to transport four oxen from *Samukhia* to *Dhoraiya*. When the vehicle was on the way, the *Dhoriya* police seized the vehicle, and when the driver saw that the person who hired the vehicle ran away, he also ran away from the vehicle to save himself. It is further submitted that the alleged vehicle is not stolen property as no one has lodged an FIR under Section 379 of the Indian Penal Code regarding the theft of oxen and vehicles, and as such, in the absence of Section 379, no case under Section 414 is made out against these petitioners. Petitioners have neither any concern nor are they connected with the alleged occurrence. Petitioner No. 1 is lady and both the petitioners claim clean antecedent.

6. Learned counsel for the State oppose the bail petition.



7. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioners, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate , Banka in connection with Dhoraiya P.S. Case No. 282 of 2023 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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