

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23995 of 2024

Arising Out of PS. Case No.-284 Year-2023 Thana- ISUAPUR District- Saran

-
1. Nagendra Rai Son Of Devan Rai R/O-Fatepur, P.S.-Panapur Distt.-Saran At Chapra
 2. Mithilesh Kumar Rai Son Of Late Shyam Dev Rai R/O-Fatepur, P.S.-Panapur Distt.-Saran At Chapra

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mines And Geology Dept. Govt. Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajani Kumari, Advocate
For the Mines	:	Mr. Naresh Dixit, Advocate
		Mr. Brij Bihari Tiwari, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-04-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Isuapur P.S. Case No. 284 of 2023 for the offence under Sections 188, 379, 353, 279, 337, 338 of the I.P.C, Section 31/21 M.M. DR Act, 1957 and Section 56 of the Bihar Mineral Mining Transportation and Storage Rule, 2019 and 2021 lodged on 29.10.2023 by the informant, Rambalak Ram.

3. As per the prosecution story, the informant, Chowkidar of Isuapur police station alleged that truck No. 04GA 9309 was seized as it has caused injury to a girl by negligent driving. It was kept near the house of Mukesh



Chaurasiya and a guard was also deputed. However, behind his back, the two petitioners succeeded in taking away the truck. Accordingly, the F.I.R.

4. Learned counsel for the petitioners submits that there was no occasion to take away the truck, he only wanted to shift it to a nearby police station or a secure place to save it from the fury of the locals as earlier injury had caused to a girl due to the driving. It is further submitted that save and except the case relating to the injury that happened to the victim girl and no other criminal case is pending against him. The last submission of petitioner No.1 is that irrespective of the outcome of the present case, the petitioner No.1 would like to pay Rs. 25,000/- to the Chief Minister Relief Fund.

5. Learned APP opposes the prayer stating that allegation against the petitioners is of taking away the truck which was earlier seized in connection with injury to a girl due to rash and negligent driving.

6. Taking into account the aforesaid facts that as also the submissions, case has already been lodged save and except the case that has been lodged due to the accident of the girl, the petitioners have no criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail with conditions



that so far as the petitioner No.1 is concerned, the same is subject to the payment of Rs. 25,000/- to Chief Minister's Relief Fund as undertaken by the learned counsel for the petitioner on instruction.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M. 1st Class, Saran at Chapra, in connection with Isuapur P.S. Case No. 284 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioners shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Guddu/-

U		T	
---	--	---	--

