

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23018 of 2024

Arising Out of PS. Case No.-371 Year-2023 Thana- BAKHTIYARPUR District- Patna

1. Ravish Kumar S/O Late Daulat Singh R/O Village- Chanda Pachiyari Tola, P.S- Athmalgola, Distt.- Patna.
2. Santu Mistry S/O Ram Jatan Mistry R/O Village- Chanda Pachiyari Tola, P.S- Athmalgola, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv.

For the Opposite Party/s : Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 14-05-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Bakhtiyarpur P.S. Case No. 371 of 2023 registered for the offences punishable under Sections 414, 34 of the Indian Penal Code.

3. On the alleged date and time of the occurrence, on seeing the police party, the driver and passengers of the motorcycle and tractor tried to flee away but, the person sitting on the trailer of the tractor was apprehended. The apprehended person disclosed his name as Sunil Kumar. The police recovered 500 litres of illegal diesel from the tractor.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. There is no eye-witness to the alleged occurrence. The petitioner no.1 is the owner of the tractor and the trailer and the petitioner no.2 is the owner of the motorcycle TVS Apache. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners have no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioners have no concern with the alleged occurrence. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioners further submits that the co-accused Sunil Kumar @ Sunil Yadav has been granted regular bail by this Court vide order dated 06.12.2023 passed in Cr. Misc. No. 78180 of 2023.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, let the petitioner sabove-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs.10,000/-
(Rupees Ten Thousand) each with two sureties of the like
amount each to the satisfaction of the learned court below where
the case is pending/successor court in connection with
Bakhtiyarpur P.S. Case No. 371 of 2023, subject to the
conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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