

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29479 of 2024

Arising Out of PS. Case No.-408 Year-2020 Thana- DARIYAPUR District- Saran

Suresh Kumar Rai S/O Shivshankar Ray R/O Village/Mohalla- Ward No. 05,
Near Bus Stand, Bardiha Turki, P.S- Vaishali, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Yadav, Adv.

For the Opposite Party/s : Mrs.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Dariyapur PS Case No.408 of 2020 dated 28.11.2020, instituted
under Sections 188, 353 and 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that the Senior police
officer who was going towards Pattipul from Shitalpur turn, saw
trucks loaded with sand. He signalled the trucks to stop, but
truck drivers fled away leaving the trucks there. In the light of
torch the registration No. of trucks was noticed as mentioned in
the FIR. Total 29 trucks were seized and handed over to home
guards for keeping watch. Thereafter, the truck drivers came
there and abused the home guard and fled away with the trucks.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this



case. It is further submitted that the petitioner is owner- cum- driver of truck No. BR 31 GB-1747 and there is no specific allegation against the petitioner of committing any crime. It is only allegation that all the truck drivers abused the home guard and fled away with the trucks on the date of occurrence. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st class, Saran at Chapra, in Dariyapur PS Case No.408 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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