

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36195 of 2024

Arising Out of PS. Case No.-372 Year-2023 Thana- NAUGACHIA District- Bhagalpur

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SANJAY PANDIT SON OF LATE BALESHWAR PANDIT RESIDENT OF
VILLAGE - NAYATOLA, FATAHPUR, P.S. - JAGDISHPUR, DISTRICT -
BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ambrish Jha

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-06-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406, 420,
409, 379 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case being owner of the vehicle. It is
next submitted that from perusal of the allegation as alleged in
the F.I.R., it would manifest that the same does not inspire
confidence for the reason that the informant alleges that on
02.11.2023 at about 03:00 AM in the morning, he received
information that an accident had taken place based on which the



informant along with the police force reached the place of occurrence and saw that the trucks have collided against each other, but the driver of one of the trucks was not interested in instituting a case, further when the informant asked the petitioner to produce the document relating to the vehicle, he was not able to produce any document and the truck was even found overloaded with sand, accordingly, the driver-cum-owner of the truck was asked to park the vehicle near the place of occurrence and thereafter the informant informed the Department of Mines and D.T.O with regard to the vehicle. It is also alleged that on 02.11.2023 at about 06:00 PM when the informant reached the place of occurrence, he found the vehicle (truck) missing.

4. The learned counsel for the petitioner submits that if what has been alleged in the FIR is true then why no FIR came to be instituted by the informant after the informant found that the truck was overloaded with sand and the petitioner did not have the requisite documents relating to the vehicle which amply demonstrates that since petitioner was not willing to fulfill the illegal demand of the informant, as such, the instant false case came to be instituted.

5. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Naugachiya P.S. Case No. 372 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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