

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39188 of 2024

Arising Out of PS. Case No.-111 Year-2024 Thana- KOILWAR District- Bhojpur

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1. Satrugan Rai @ Shatrudhan Ray S/o- Gurushankar Rai Village- Mahakampur Bara, Semraon, P.S.- Ara Mufassil, Dist.- Bhojpur
 2. Dhirendra Kumar son of Baiju Rai Village- Mahakampur Bara, Semraon, P.S.- Ara Mufassil, Dist.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-06-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Koilwar P.S. Case No. 111 of 2024 for the offence under Sections 379 and 411 of the I.P.C. lodged on 27.02.2024 by the informant, Akhilesh Tiwary.

3. As per the prosecution story, the police got information about illegal transportation of sand and upon reaching the place, the driver tried to take away the tractor but was chased. Though he managed to escape, the tractor was impounded. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that the petitioner No. 1 is the owner of the vehicle while the petitioner No. 2 is the driver. Further, it was being taken for construction of



the house of petitioner No. 1 after proper purchase. Further, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submit that petitioner no. 1 is ready to pay Rs. 5000/- to the Chief Minister's Relief Fund.

5. Learned APP opposes the prayer stating that no such purchase document is on record to make such claim.

6. It is true that the claim of the petitioner no. 1 that it was purchased do not have any supportive document, considering the fact that the two petitioners do not have criminal antecedent, FIR lodged and they will be facing the trial, this Court is inclined to extend them privilege of anticipatory bail with condition. But so far as the petitioner No. 1 is concerned, it is subject to payment of Rs. 5,000/- to the Chief Minister's Relief Fund as undertaken by the learned counsel for the petitioners.

7. Let the petitioners be released on bail in the event of their 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 CJM, Bhojpur at Ara in connection with Koilwar P.S. Case No. 111 of 2024 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/relative 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 his 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)

Adnan/-

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