

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40707 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- GARKHA District- Saran

1. Bhola Rai @ Dev Kumar @ Deva Kumar SON OF BHUSHAN RAI
RESIDENT OF VILLAGE- JILKA BAAD, P.S- GARKHA, DISTRICT-
SARAN.
2. DEEPAK KUMAR SON OF PARAS RAY R/O VILLAGE- DHAJWA
TOLA, HALDI CHHAPRA, P.S- MANER, DISTRICT- PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Ejaz Akhtar, Advocate
For the Opposite Party/s : Mr. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-07-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Garkha P.S. Case No. 23 of 2024 for the offence under Sections 379/34 of the I.P.C. lodged on 11.01.2024 by the informant, Tufaani Sah.

3. As per the prosecution story, the informant alleged that to watch a seized truck, he was present when these petitioners came and tried to take the seized vehicle and in the process also tried to crush him. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that the truck was very much with the Police, only after the release order granted in their favour, the truck was taken from them and as such,



the theory of taking away the truck from them is improbable and they have clean antecedent (paragraph-3 of the petition). Further, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioners submit that they are ready to pay Rs. 3,000/- each (totalling Rs. 6,000/-) to the Chief Minister's Relief Fund.

5. Learned APP opposes the prayer stating that they tried to take away the seized truck.

6. Taking into account the aforesaid fact/the submissions as also that as per the petitioners only after the release order they took the truck and they do not have any criminal antecedent, in that background, this Court is inclined to extend them privilege of anticipatory bail with conditions subject to payment of Rs. 3,000/- each (totalling Rs. 6,000/-) as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

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 A.CJ.M.-IV in connection with Garkha P.S. Case No. 23 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 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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