

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49015 of 2024

Arising Out of PS. Case No.-369 Year-2023 Thana- DIGHWARA District- Saran

Mukesh Kumar Singh Son Of Kameshwar Prasad Singh Mohalla- Sir Ganesh
Dutt Nagar Road 3, Bhagwanpur, PS- Muzaffarpur Sadar Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-08-2024 Heard Mr. Rakesh Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Uday Pratap Singh, learned
APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Dighwara P.S. Case No. 369 of 2023 registered under
Sections 147, 148, 149, 307, 353, 386, 188, 332, 333, 427, 504,
506 & 120(B) of the Indian Penal Code and Section 3/4 of the
Prevent of Damage of Public Property Act, 1984.

3. The FIR has been lodged as per the self-statement
of the Sub-Inspector of Police, P.S. Dighwara, District-Saran
that in course of inspection of vehicles, altogether 21 vehicles
were seized, which were over loaded with sand and the drivers
and other accused persons refused to show their identity and
papers relating to the transportation of sand from the Mines



Department and assaulted the police force, as well as, obstructed them from performing official duty.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is the owner of the truck bearing BR 06 GB 9502 and he was not present at the place of alleged occurrence. The truck driver has been named in the FIR and the driver has been granted bail by the learned District Court. On these grounds, petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the fact that the petitioner was not present at the place of alleged occurrence, as well as, the petitioner is not named in the FIR and the petitioner, being owner of the truck, has been named in the present case, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Additional Chief Judicial Magistrate –



IInd, Saran at Chapra/successor Court in connection with Dighwara P.S. Case No. 369 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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