

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84388 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- DANIYAWAN District- Patna

Kaushal Singh Son of Umesh Singh Resident of Village- Raghopur, P.S.-
Bakhtiyarpur, District -Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Durgesh Nandan, Advocate.
For the State : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Daniyawar P.S. Case No. 77 of 2024 dated
20.04.2024 registered for the offences punishable under
Sections 379 and 411 of the Indian Penal Code.

3. As per the allegation, the truck bearing registration
No. JH05CY-0118 has been seized carrying stone chips and the
driver has been arrested alleging that stone chips is stolen
property.

4. Learned counsel for the Petitioner submits that the
petitioner is owner of the vehicle and he is wanted by the Police
to be arrested. He further submits that the stone chips was
validly being carried by the driver to be delivered to SPCPL,



Buddha Stupa, Vaishali, P.S. Vaishali, Bihar, having been purchased from Lessee M/s. Ganpati Minerals at Chahal, Kharagdiha, Giridih, and the driver was having a valid Transport Challan in Form "D" clearly showing the lessee as well as the name and address of the purchaser to whom mineral was to be supplied. But, despite the valid Transport Challan, the Police asked illegal gratification of Rs.65,000/- from the driver and on account of non-payment of the same, the vehicle carrying stone chips was seized and the driver was arrested and a false case was lodged by Vikram Ekka, Assistant Sub Inspector of Daniyawan Police Station, Distt. Patna.

5. He further submits that this case is classic example of violation of all law and the Constitution by the informant/Police Officer, Vikram Ekka, who is entrusted with duty to protect and enforce law. Such Police Officer is a blot on the Police Force, whose action is not only blatant violation of fundamental right of the Petitioner to do business, it would also ruin the State economy by creating illegal obstruction to the movement of merchandise.

6. He also submits that the petitioner should not only be enlarged on anticipatory bail, even inquiry should be directed to be set up against the erring Police Officer, who has misused



the act for his blatantly illegal purpose. Such Police Officer does not deserve to be in Police Force.

7. Learned APP for the State fairly concedes that in the alleged facts and circumstances, lodging of the First Information Report is blatant abuse of law by the informant/Police Officer. The truck has been illegally seized and lying in *Thana* and driver is in jail without any violation of law and the owner of the vehicle/petitioner is running for anticipatory bail.

8. I perused the materials on record and considered the submissions advanced by the learned counsel for the petitioner as well as learned APP for the State.

9. From perusal of the First Information Report, I find that the truck bearing registration No. JH05CY-0118 carrying the stone chips has been seized at 3 O'clock on 20.04.2024 and Transport Challan was valid up to 3:42:25 P.M. on 20.04.2024, which clearly shows that the permit was valid at the time of seizure of the vehicle. Hence, there was no justification for seizing the vehicle and lodging the First Information Report. It is apparent case for demand of bribery and on account of non-fulfillment of such illegal demand, the petitioner and his driver have been falsely implicated by lodging the present First



Information Report. Such action of the informant is no way justified in a society having a rule of law. It is nothing but blatant misuse of law by the informant/Police Officer for his unlawful object. A Police Officer is supposed to protect and enforce the law. But this Officer has done just the opposite. Such action has caused not only harassment to the driver and the owner, even the truck is unnecessarily lying in the Police Station without any legal justification. If such misconduct is not checked, the Constitutional protection of fundamental rights of the citizens would go to wind and whole trade and commerce of the State would get ruined.

10. Hence, the Senior Superintendent of Police, Patna, is directed to initiate inquiry against the Informant/Police Officer regarding lodging of the First Information Report bearing Daniyawar P.S. Case No. 77 of 2024 dated 20.04.2024 and complete the same within two months and send the inquiry report to this Court before the next date.

11. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his



personal bond of Rs.10,000/- (Ten thousand) to the satisfaction of learned court below in connection with Daniyawar P.S. Case No. 77 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

12. Let a copy of this order be sent to the Senior Superintendent of Police, Patna, for information and compliance and also send a copy to Director General of Police, Patna, for his information and needful.

13. Put up this case on 14.02.2025 awaiting inquiry report from the Senior Superintendent of Police, Patna.

(Jitendra Kumar, J)

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