

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1946 of 2024

Arising Out of PS. Case No.-474 Year-2023 Thana- GRIYAK District- Nalanda

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Arun Kumar @ Arun Kumar Yadav Son of Umesh Yadav, Resident of Village- Bangaikala Tetariadih, Police Station- Domchanch, District- Koderma, State- Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2024 Heard Mr. Sudish Kumar, the learned counsel for the petitioner and Mr. Mukesh Kumar Singh, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Giriyak PS Case No. 474 of 2023, FIR dated 18.10.2023, registered for the offences punishable under Sections 279, 337, 338, 353, 307, 379, 411 read with Section 34 of the Indian Penal Code.

3. According to prosecution case, the informant while patrolling received a secret information regarding illegal liquor being transported in a truck on highway NH 20 and he tried to stop the same, however, the truck driver did not stop the truck and managed to run away. The truck in question was finally stopped at Giriyak Police Station but the driver managed to flee away. It is further alleged that upon investigation illegal liquor



was not recovered from the truck, however, it was found that the truck driver had overloaded the truck with stone chips and he was running the truck without challan.

4. Learned counsel for the petitioner submits that petitioner is owner-cum-driver of the said truck and he has clean antecedent and he has falsely been implicated in the present case. He further submits that after the lodging of the present FIR, the petitioner has deposited Rs. 3,06,250/- (Rupees Three lakhs six thousand and two hundred and fifty only) as fine before the District Mining Development Officer, Nalanda and the District Mining Development Officer, Nalanda has issued a letter addressed to the Thana incharge Giriyak stating therein that the petitioner has deposited Rs. 3,06,250/- as fine.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent, let the petitioner, above named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif, where the



case is pending in connection with **Giriyak PS Case No. 474 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-14

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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