

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54639 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- CHANDI District- Bhojpur

1. Shiv Shankar Yadav S/O Jagdish Yadav R/O Village- Hardas Tola, PS-Chandi, Distt- Bhojpur
2. Gorakh Kumar S/O Khaderan Rai R/O Village- Hardas Tola, PS-Chandi, Distt- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Chandi P.S. Case No. 27 of 2024 dated 09.03.2024 instituted for the offence punishable under Sections 379, 411 of the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged date of occurrence, when the informant along with his team was on patrolling, they found a tractor loaded with 100 CFT sand, which was being driven negligently. On seeing the police, the driver managed to escape away leaving the tractor.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in



this case. It is further submitted that the petitioner no. 1 is the owner of the seized tractor bearing Registration no. BR01GL9336, Engine No. 33.10008/SEA00036, Chasis no. MBNAG48ACNTA75996 while petitioner no. 2 is its driver. Learned counsel for the petitioner further submits that petitioner no. 2 along with tractor was standing on the sand ghat. At the same time, several trucks and tractors were also in queue for loading sand and police was also there to maintain the queue. When disturbance was created due to the heavy rush of trucks and tractors, the police started and sought to maintain the queue, but the drivers of the truck and tractors were not ready to maintain the queue in spite of several warnings and disobeyed the warning of the police. Then the police started lathi charge on drivers , due to which stampede occurred. On seeing the aggressive situation, the petitioner no. 2 left the tractor and fled away without taking challan of the sand. Learned counsel for the petitioners further submits that it is attracted from the seizure list that there is no mention about the sands which was recovered from the said tractor. Lastly, it has been submitted that petitioners have no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the



case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Chandi P.S. Case No. 27 of 2024, they will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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