

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56664 of 2015

Arising Out of PS.Case No. -189 Year- 2015 Thana -DIHRINAGAR District- SASARAM
(ROHTAS)

Umesh Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parwej Khan

For the Opposite Party/s : Mr. S.N.Shukla(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-12-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code, Section 4(1-a), 21(1) of the Mines and Minerals (Development and Regulation) Act, Section 40(1) of the Bihar Mines and Minerals Concession Rules and Sections 33, 41 and 42 of the Indian Forest Act.

Two tractors loaded with stones chips were intercepted when the drivers of the alleged tractors were apprehended. The apprehended drivers deposed their names as Pappu Singh and Anil Chaudhary and also disclosed the name of the petitioner as the owner of the tractors in question.

It appears that subsequently confiscation proceeding has been initiated. A statement has been made in para 8 of the petition

that the petitioner is not the owner of either of the tractor. A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Rohtas at Sasaram in connection with Dehri (T) P.S. Case No. 189 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below verify that whether the petitioner is the owner of either of the seized tractor or not and if it is found that the petitioner is not the owner of either of the seized tractor then the provisional bail of the petitioner will be confirmed by learned court below but if it is found that the petitioner is the owner of either of the seized tractor then the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Amrendra/-

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