

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34548 of 2016

Arising Out of PS.Case No. -108 Year- 2015 Thana -BIKRAMGANJ District- SASARAM
(ROHTAS)

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Rajesh Kumar @ Mohan Son of late Sikandar Singh (Choudhary) Resident
of Village: Shankarpur, P.S Nasriganj, District Rohtas at Sasaram.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 08-09-2016 Heard Sri Bikramdeo Singh, learned counsel who was

assisted by Sri Sada Nand Roy, learned counsel for the petitioner
and Sri Sanjay Kumar Singh, learned A.P.P.

The sole petitioner, apprehending his arrest in
Bikramganj P.S. Case No. 108 of 2015 registered for the offence
under section 379, 411, 353, 120(B) of the Indian Penal Code,
Section 4 (1-a), 21 (1) of the D.E. Act and Section 4/ 44 of the
Mining Act and Section 41, 42, 51, 52, 53 of the Indian Forest
Act, has prayed for grant of bail in the event of his arrest or
surrender.

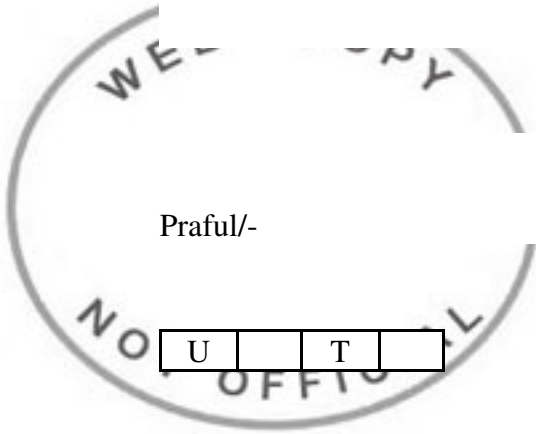
It was submitted by learned counsel for the petitioner
that the petitioner has been alleged to be driver of a truck which
was intercepted by the police and from the truck illegal stone



chips were recovered. By way of referring to the F.I.R. it was submitted that the concerned owner of stone chips was also apprehended and in his disclosure statement petitioner's name has come to be driver of the vehicle. Thereafter petitioner has been made accused. He submits that the concerned owner of the stone chips was apprehended and the owner of the vehicle has already been extended the privilege of bail. He submits that petitioner was not knowing about the illegal carrying of stone chips. Only as per instruction of the owner on the ground that it was being loaded on valid challan he was driving the vehicle. He further submits that so far contravention of the alleged Act which has been mentioned in the F.I.R. i.e. D.E. Act is concerned, he tried his level best to lay his hand on the said Act but he failed. Similarly learned A.P.P. was also not in a position to enlighten the court regarding the said D.E. Act.

In view of the facts and circumstances in the event of arrest or surrender within a period of six weeks from today, let the petitioner Rajesh Kumar @ Mohan be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Bikramganj, District: Rohtas in connection with Bikramganj P.S. Case No. 108 of 2015 subject to

the conditions as contemplated under section 438(2) of the Code
of Criminal Procedure.



Praful/-

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(Rakesh Kumar, J)