

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14396 of 2017

Arising Out of PS.Case No. -25 Year- 2017 Thana -NOKHA District- SASARAM (ROHTAS)

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Umesh Kumar Singh Son of Kanhaia Singh Resident of Village - Tenduni
P.S. Karagahar District - Rohtas.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arabind Nath Pandey

For the Opposite Party/s : Mr. Nand Kishore Pd

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 19-05-2017 Heard the learned counsel for the petitioner as well as

the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Nokha P.S. Case No. 25 of 2017 for the offences punishable under sections 379 and 411 of the I.P.C, section 40 (1) of the Bihar Mining Act and section 7 and 8 of the B.M.M. Act, 2003.

Allegedly, one tractor and trailer were apprehended loaded with the illegal sand. The driver of the said tractor fled away by taking the benefit of darkness.

Submission is of false implication and that the petitioner is driver of the said tractor, after obtaining proper chalan the sand was loaded, vide Annexure-4, the petitioner has got valid license, the petitioner after stopping the tractor went for



purchasing some articles and to take meal in the house of his relative in village- Tilai and in his absence the vehicle was seized. It is false to say that the driver fled away by taking the benefit of darkness. It is stated that the tractor has been illegally seized by the informant with ulterior motive, the sand was loaded under proper chalan, the owner of the tractor, namely Amar Sah has been allowed pre-arrest bail vide Cr. Misc. No. 16055 of 2017 by another co-ordinate Bench of this Court and the petitioner being the driver also deserves sympathetic consideration.

The learned A.P.P. submits that the driver of the tractor fled away after leaving the tractor and no paper was produced at that time.

In the facts and circumstances as stated above, considering Annexure-4 which is a valid chalan for loading the sand, the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of. A.C.J.M. Sasaram (Rohtas) in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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