

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25236 of 2017

Arising Out of PS.Case No. -5 Year- 2017 Thana -AMBA District- AURANGABAD

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1. Nagendra Singh S/o Daroga Singh, Resident of Village-Balapur, P.S.-
Karahgar, District-Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Smt Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 01-07-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Amba P.S.Case No. 5 of 2017 registered under Sections 379,
411 of the Indian Penal Code, Section 40 of the Bihar Minor
Mineral Concession Rule and Section 3 of the Prevention of
Damage of Public Property Act.

It is contended by the learned counsel for the
petitioner that merely because the petitioner is the owner of the
truck bearing Registration No. JH09H-3351, he has been made
accused in the present case on the allegation that stone-chips
loaded on the truck exceeded the quantity as to that of the Challan
shown by the driver of the truck. He submitted that the exact
measurement of stone-chips loaded in the truck in CFT i.e. the
volume was not taken and merely on the basis of weight of the



truck laden with stone-chips the allegation has been made. It is further contended that the petitioner being the owner of the truck is not supposed to be present while the truck is loaded. He submitted that on the basis of the allegations made, the ingredients of the offences punishable under 379, 411 of the Indian Penal Code, Section 40 of the Bihar Minor Mineral Concession Rule and Section 3 of the Prevention of Damage of Public Property Act are not attracted.

Learned counsel for the State opposed the application for pre-arrest bail.

Regard being had to the nature of the allegation, the petitioner named above is directed to be released 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 the learned Chief Judicial Magistrate, Aurangabad in connection with Amba P.S.Case No. 5 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, in the event of his arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J)

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