

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47186 of 2017

Arising Out of PS.Case No. -218 Year- 2017 Thana -RAHUI District- NALANDA
(BIHARSHARIFF)

=====

Rekha Devi W/o Rajiv Kumar Singh, R/o Mohalla- Garhpar, Bihar Sharif,
P.S.- Bihar, District- Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Kumar No.1, Advocate

For the Opposite Party : Mr. Dr. Kumar Uday Pratap (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 13-12-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner apprehends her arrest in connection with Rahui P.S. Case No. 218 of 2017, registered for the offence punishable under Section 379 of the Indian Penal Code, Section 4/40 of the Bihar Small Mining Act 1972 and under Section 8(d) of Bihar Minerals (Transportation of Illegal Mining, Storage and Prevention) Act, 2003.

Allegedly, during patrolling the tractor of the petitioner was seized with loaded sand and the driver succeeded in fleeing away as there was no challan.

Submission is of false implication and that the petitioner is the owner of the seized tractor and the driver of the



tractor was carrying the sand having valid challan, vide Annexure-2., The petitioner has been falsely implicated in this case and in spite of challan shown by the driver the tractor has been seized and, as such, the petitioner deserves sympathetic consideration as she is lady.

The learned A.P.P. submits that the challan is not a valid challan and to transport the sand E-challan is required.

In the facts and circumstances as stated above, considering that the petitioner is the owner of the tractor and the driver was transporting the sand having challan and, as such, the petitioner in the event 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 learned Chief Judicial Magistrate, Nalanda at Bihar Sharif, in connection with Rahui P.S. Case No. 218 of 2017, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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