

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4254 of 2018

Arising Out of PS.Case No. -60 Year- 2017 Thana -NTPC KHAIRA District- AURANGABAD

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1. Vikash Kumar Singh, Son of Krishna Singh, resident of Village- Surar,
P.S. N.T.P.C. Khaira, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar. null null

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Sri Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-02-2018

Heard the learned counsels for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with N.T.P.C. Khaira P.S. Case No. 60/2017 dated 08.11.2017 instituted for the offences under Sections 379, 411, 420 and 34 of the Indian Penal Code as well as Sections 3, 4, 5 of the Bihar Illegal Mines Act and Sections 75, 80 of the Bihar Minor Minerals Rules, 2017.

The case of the prosecution is that the police party, while patrolling the area, found three tractors carrying sand from the Sone River to Navinagar. The aforesaid tractors were intercepted by the police force and no relevant papers/challan authorizing the transportation of sand could be produced.

The petitioner happens to be the owner of one of the tractors bearing registration no. BR 26H 5798. It has further been



submitted that the petitioner had authorized his driver to ply commercially. The petitioner has also brought on record a valid challan by way of Annexure-3 to indicate that the tractor of the petitioner was wrongly and unauthorizedly intercepted by the police force.

It has been argued on behalf of the petitioner that none of the offences alleged in the F.I.R., can at all be said to have been made out against him.

The petitioner does not have any criminal antecedent.

Considering the aforesaid facts, the petitioner above named is directed to be released on bail, in the event of his surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bond in the sum of Rs. 10,000/- (Ten Thousand), with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with N.T.P.C. Khaira P.S. Case No. 60/2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J.)

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