

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52919 of 2018

Arising Out of PS.Case No. -212 Year- 2018 Thana -WARISLIGANJ District- NAWADA

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Pravez Alam, Son of Md. Anis, Resident of Sonsihari, Police Station-
Muffasil in the district of Nawada. at present resident of Tedesari, Police
Station- Tedesari in the district of Raj Nand Gaon, Chhatisgarh.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Navin Sharma, Advocate.

For the Opposite Party : Smt. Madhuri Lata, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 143, 144, 337, 332, 333,
353, 379 of the IPC, 4/40 of Bihar Minor and Mineral Concession
Rule, 1972, 21 of Mines and Mineral (Development & Regulation)
Act, 1957 and Rule 3/8 of Bihar Mineral (Prevention of Illegal
Mining Transportation & Storage) Act, 2003.

The prosecution story, in brief, is that on 25.06.2018
at 21.30 hours, the informant alongwith force seized one twelve
wheelers Truck on which sand is being loaded over it from various
tractors. On seeing police, labourers and other persons started



fleeing. Out of them, co-accused Kamlesh Kumar as Khalasi of the said vehicle was apprehended. He disclosed the names of the persons who fled away. Thereafter, the aforesaid Truck, Tractors and two Motorcycles were carrying. Suddenly, about 50-60 persons of local village surrounded the police force and started brick-batting upon them and they succeeded in taking away four tractors in which co-accused Yogi Singh, Anjani Singh alias Bhomu Singh, Sunil Singh @ Moku Singh, Kamlesh Yadav, Satyendra Singh, Nitish Kumar alias Bhaso, Satish Raut, Shiv Shankar Kumar and Umesh Mahto were involved in the aforesaid occurrence who were identified with the help of local Chaukidar.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. The petitioner is alleged to be owner of the Truck in question which was carrying sand. The petitioner had no knowledge regarding the nature of goods booked by the Transporter. The proper document including the challan and other were also produced by the driver of the petitioner at the time of occurrence.

On behalf of the learned counsel for the State, it has



been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Nawada, in connection with Warisaliganj P.S. Case No. 212 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

