

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65940 of 2018

Arising Out of PS. Case No.-307 Year-2018 Thana- WARISLIGANJ District- Nawada

Mukul Kumar Singh, S/o Late Chandrakant Prasad Singh, R/o Village-Kochgown, P.S.- Warisaliganj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-11-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Section 379 of the Indian Penal Code and Section 40(1) of the Bihar Minor Mineral Concession Rule, 1972 and Rule 3/8 of Bihar Mineral (Prevention of illegal Mining, transportation & storage) Rule, 2003.

The prosecution case, in short, is that on the alleged date of occurrence one tractor bearing engine No.527027600718 turned during course of fleeing and sand fell down there. The driver and owner of the tractor did not produce any challan and in presence of witnesses said tractor was seized and the owner of the tractor fled away leaving the tractor.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation



of tampering of witnesses alleged against the petitioner. The petitioner has been implicated in the present case due to mistake of fact. From perusal of the seizure list, it appears that no sand was found on the tractor. The allegation, that the tractor in question was being used for transporting sand by way of illegal mining, is denied by the counsel for the petitioner. There is no other substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the State, it is 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/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 learned C.J.M., Nawada in connection with Warisaliganj P.S. case No.307 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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