

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63176 of 2017

Arising Out of PS.Case No. -249 Year- 2017 Thana -GIRIYAK District- NALANDA
(BIHARSHARIFF)

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1. Abhishek Kumar, S/o Avinash Prasad, Resident of Village- Dariya Sarai, P.S.- Silao, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Adv.

For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 01-02-2018 Heard the learned counsel for the petitioner and learned APP for the State.

In this application, the petitioner apprehends his arrest for the offences in connection with Giriyak P.S. Case No. 249 of 2017 punishable under Section 379 of the Indian Penal Code and Section 4/40 of Bihar Mining Concession Rule, Section 8 of the Bihar Illegal Transportation and Storage Prevention Rule.

Allegedly, the informant, an employee of Mahadev Enclave Limited, intercepted a tractor and demanded *challan* for transporting sand, the petitioner being driver managed to flee away. The tractor loaded with sand was handed over to the police.

Submission is of false implication and that there was



valid *challan* from Mining Department and sand was transported on valid paper but nothing was perused and false case has been lodged. However, the owner of the tractor namely, Vinod Yadav has already been allowed pre-arrest bail vide Cri. Misc. No. 49139/17, vide annexure-3 and, as such, the petitioner also deserves sympathetic consideration.

Learned APP fairly submits that owner of the tractor has already been allowed pre-arrest bail.

Considering the facts and circumstances as stated above, the petitioners, in case of their surrender or arrest within four weeks from the date of receipt/production of a copy of this order shall be enlarged on bail on execution of bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Learned Additional Chief Judicial Magistrate-I, Nalanda at Biharsharif in connection with Giriyak P.S. Case No. 249 of 2017 subject to the conditions as laid down in Section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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