

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50385 of 2018

Arising Out of PS.Case No. -244 Year- 2018 Thana -ISLAMPUR District- NALANDA
(BIHARSHARIFF)

=====

Rasos Kumar, S/o Vishundeo Prasad, R/o Vill.- Peer Bigha, P.S.-
Khudaganj, District- Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Raj Kishor Prasad, Advocate.

For the Opposite Party : Mr. Ashok Kumar Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-09-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
15.07.2018 in a case for the offence registered under Sections 341,
323, 504, 379, 353/34 of the IPC, 4/40 of Bihar Minor Mineral
Concession Rules, 1972 and Section 8(d) of Bihar Mineral
(Prevention of Illegal Mining, Transportation and Storage)
Rules,2003.

The prosecution story, in brief, is that on 14.07.2018,
the informant in course of raid, arrested the petitioner with a
Tractor loaded with sand and taken into custody. When the tractor
was being brought at the police station, suddenly 10-12 persons



came and taken away the tractor by snatching the same. The police and villagers identified the persons who snatched the tractor. Thereafter, the informant again seized the tractor from a village. The informant has alleged that the petitioner was indulged in committing theft of sand and he alongwith his brother and father abused and assaulted the police personnel when the tractor was caught illegally taking away sand, the petitioner and other accused persons forcibly snatched the tractor from the police custody and obstructed in discharging the official duty.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. As per allegation, illegal sand mining was made through the tractor in question. The petitioner is said to be driver of the said tractor. The petitioner had no knowledge regarding the same. He has been made accused in the present case due to mistake of fact.

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, be released on 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.-III, Hilsa, Nalanda, in connection with Islampur P.S. Case No. 244/2018.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)

