

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24442 of 2019

Arising Out of PS. Case No.-471 Year-2018 Thana- RAJAON District- Banka

ASHUTOSH KUMAR Son of Babulal Sah Resident of Village- Majhganj,
P.S- Rajoun, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 20-09-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 147, 148, 149, 323, 307, 341, 353, 120(B), 379, 411 of the Indian Penal Code, Section 27 of the Arms Act, 4/40 of the B.M.M.C. Rules, 1972, Section 3,6,8 of the Mineral Transportation & Storage Rules, 2003, Section 4/21 of the M.M.D. R. Act, 1957, Section 15 of the Forest & Environment Act, 1986 and Section 3/92 of the M.V. Act registered in connection with Rajoun P.S. Case No. 471 of 2018.

3. It is submitted that the petitioner has been falsely implicated on mere suspicion except which there is no objective material to connect the petitioner with the alleged occurrence. The petitioner has no concern with the tractors nor the sand loaded thereof, rather he had gone to river side on his motor cycle which, however was seized along with the tractors. The accusation under Section 307 of the Indian Penal Code is against the owners and drivers of the tractors and not against the petitioner. In any event, there is no injury caused to anyone. The petitioner claims clean antecedents.

4. Learned APP has not pointed out any objective material in the case diary against the petitioner.



5. In that view of the matter, the provisional bail granted to the petitioner by order dated 22.07.2019 in connection with Rajoun P.S. Case No. 471/2018 pending in the Court of learned CJM, Banka is hereby confirmed.

(Vikash Jain, J)

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