

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30232 of 2019

Arising Out of PS. Case No.-307 Year-2017 Thana- NOKHA District- Rohtas

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RAMENDAR KUMAR SINGH Son of Sri Nanhu Singh Resident of
Mohalla-New Area Sasaram, Police Station-Sasaram, District-Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta
For the Opposite Party/s : Mr.Navin Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 10-05-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of
Nokha P.S. Case No. 307 of 2017, disclosing offences under
Sections 379 and 411/34 of the Indian Penal Code, including
Section 40(i) of the Bihar Mining Act.

An Assistant Sub-Inspector of Police is the informant,
who, as per the case of the prosecution, seized a tractor, loaded
with sand, after he noticed the driver of the tractor fleeing away
from the place of seizure on seeing the police. Since there was
no document in support of the carriage of sand, on the allegation
of violation of the provisions of the Bihar Minor Mineral
Concessions Rule, 1972 and other provisions of the Indian Penal
Code, the FIR has been registered. The tractor was not bearing



any registration number. Engine number and chassis number of the vehicle have been mentioned in the FIR. The petitioner, admittedly, was the driver of the vehicle.

Learned counsel for the petitioner has stated that the sand was being carried in the tractor under a valid Challan, issued by the contractor, namely, Aditya Multi-com Pvt. Ltd. A copy of the Challan issued at 8.22 A.M. on 4.10.2017 has been shown to this Court, which shall form part of the record. Chassis number of the tractor, as mentioned in the Challan, does match with the description in the FIR.

In view of the submission, so advanced on behalf of the petitioner, this application is allowed. Let the petitioner, above named, in the event of his arrest/surrender within six weeks from today in the court below, 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 Chief Judicial Magistrate, Sasaram, Rohtas in connection with Nokha P.S. Case No. 307 of 2017, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may



be, as and when required and in the event of failure on his part
to appear before the court on two consecutive occasions, his
bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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