

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40534 of 2019

Arising Out of PS. Case No.-11 Year-2019 Thana- AKHODHIGOLA District- Rohtas

RAKESH KUMAR GUPTA, aged about 25 years, Male, Son of Alok Gupta,
Resident of Mohalla- Mathuri, P.O.- Dalmia Nagar, P.S.- Dehri (Town),
District- Rohtas ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Dhaneshwar Prasad Gupta, Adv.

For the Opposite Party : Mr. Anand Kishore Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 02-07-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Akorhi P.S. Case No. 11 of 2019 for the offences alleged under
Sections 379, 411 and 34 of the Indian Penal Code, 40(1) of the
Bihar Mining Act and 37(b)(c) of the Bihar Prohibition and
Excise Act, 2016.

The accusation is of seizing of tractor of the petitioner
attached with trailer loaded with illegal sand and apprehending
the driver, Vikas Kumar.

The learned counsel appearing for the petitioner
submits that in fact tractor of the petitioner was taken by the
driver for the purpose of loading some materials at the road, but,
the driver without giving the knowledge he went at the bank of
river and loaded sand. Petitioner has no criminal antecedent.



Learned Additional Public Prosecutor for the State
opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the
case, let the petitioner, above named, in the event of
surrender/arrest, within a period of four weeks from today, in
connection with Akorhi P.S. Case No. 11 of 2019 shall be
released on pre-arrest bail on furnishing bail bond of
Rs.10,000/- (rupees ten thousand) with two sureties of the like
amount each to the satisfaction of the Additional District &
Sessions Judge II-cum-Special Judge, Excise, Rohtas at
Sasaram, subject to the conditions as laid down under Section
438(2) Criminal Procedure.

(Rajendra Kumar Mishra, J)

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