

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81575 of 2019

Arising Out of PS. Case No.-180 Year-2019 Thana- OBRA District- Aurangabad

Vikash Kumar Son of Sudama Kumar Singh Resident of Village - Kharjam,
Police Station - Barun, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Pravesh Nath Tiwari, Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in **Obra P.S.**
Case No. 180 of 2019, registered for the offence punishable
under Sections 379, 411 of the Indian Penal Code and section 40
of B.M.M.C.R Act.

Prosecution case is that on 03.07.2019, on secret
information, the informant along with other police officials
raided Navnet sand ghat, where they found three tractors
involved in illegal mining and transporting of sand. After seeing
the police party, the drivers of the respective tractors fled away
leaving their tractors. All the three tractors loaded with sand,
seized by the informant. Petitioner is alleged to be the owner of
one of the seized tractors bearing Chassis No.



CNW3035008373, Engine no. C3243086G6NW and Registration no. BR24GB1561.

It is submitted by learned counsel appearing on behalf of petitioner that petitioner has falsely been implicated in this case. The said tractor was handed over to the driver and without the knowledge and consent of the petitioner, the same was used in transporting the sand. Moreover, sections 379 and 411 of the Indian Penal Code are not applicable and section 40 of the BMMCR Act is bailable.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad** in connection with **Obra P.S. Case No. 180 of 2019**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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