

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33599 of 2020

Arising Out of PS. Case No.-140 Year-2020 Thana- RANIYATALAB District- Patna

1. KHURSHID AKARAM Son of Jainul Haque Resident of Village-Fatehpur, P.S.-Dilhin Bazar, District-Patna.
2. KRISHNA DAYAL YADAV S/o Late Rajendra Prasad Resident of Village-Nawada, P.S.-Dulhin Bazar, District-Patna.
3. RANJEET PASWAN S/o Sita Ram Paswan Resident of Village-Naghar, P.S.-Bikram, District-Patna.
4. PAPPU RAY @ PAPPU YADAV S/o Late Padarath Rai Resident of Village-Kanhauri, P.S.-Bihta, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwari-I, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 15-03-2021 Heard Mr. Ashok Kumar Sinha, learned Advocate for the petitioners and Mr. Sanjay Kumar Tiwari-I, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Rani Talab P.S. Case No. 140 of 2020 dated 21.06.2020 instituted for the offences under Sections 379, 411, 420, 467, 468, 471 and 34 of the Indian Penal Code and Sections 11/56 of the BM Concession Prevention Illegal Mining Transportation and Storage Rule, 2019.

Four tractors were seized by some of the employees of Brodson Kamodiriz Pvt. Ltd. on the ground



that sand was illegally being transported by those vehicles on fake challans. It was also alleged by the aforesaid informant before the police that some of the employees who were responsible for issuance of e-challans were in collusion with the owners and drivers of the tractors and thereby have been facilitating the illegal extraction and transportation of sand.

Learned counsel for the petitioners has submitted that the petitioner no. 1 and 4 are the owners of the two tractors which have been seized, who were not even present at the time of the seizure of their vehicles. They had given the custody of their vehicles to their drivers, who had obtained challan for transportation of sand. The petitioners no. 1 and 4 did not have any idea as to how their drivers had obtained fake e-challans. So far as petitioners no. 2 and 3 are concerned they are the owner-cum-drivers of the two tractors which was seized. They claim that they had paid money and had obtained e-challan. If the challans were fake, they were not to be blamed as they had made correct disclosure of facts and had paid the amount for obtaining challans.

Learned counsel for the petitioners has, therefore, submitted that the gaze of investigation should have fallen on such employees of the



Government who were issuing fake challans and not against the petitioners who are innocent persons and have been using their vehicles for their livelihood.

Considering the aforestated facts, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on their furnishing bonds in the sum of Rs. 10,000/- (Ten Thousand)/each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate- 1st Class, Danapur, Patna in connection with Rani Talab P.S. Case No. 140 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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