

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1040 of 2021

Arising Out of PS. Case No.-94 Year-2019 Thana- BHITAHA District- West Champaran

Amarnath Ray @ Amarnath, Son of Paras Ray Resident of Village - Jangal Naugawa, P.S.- Padrauna, District- Kushi Nagar (U.P).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad, A.P.P

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 26-08-2021 As prayed for, let the learned counsel appearing for the petitioner remove the defect(s), as pointed out by the office vide its notes dated 02.01.2021, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner apprehends his arrest in connection with Bhitaha P.S. Case no. 94 of 2019, registered under Sections 379 and 414 of the Indian Penal Code.

The accusation is that in course of patrolling duty, one blue & white colour Holland plus tractor attached with trailer was seen loaded with sand. On seeing the Police party, the driver of the tractor fled away leaving the tractor attached with trailer from there. On search, 120 CFT illegal sand was found loaded on the trailer of the tractor.

Learned counsel for the petitioner submits that



petitioner is not named in the F.I.R. In course of investigation it has come that petitioner was driver of the seized tractor loaded with illegal sand, which is belonging to Chandrika Prasad. Further submission is that, in fact, initially, petitioner was driver of Chandrika Prasad, who used to drive the seized tractor, but, at the time of occurrence, petitioner was not driver of Chandrika Prasad. Further submission is that the owner of the seized tractor has already been allowed pre-arrest bail by a co-ordinate Bench of this Court on 04.02.2020 passed in 70344 of 2019. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-I, Bagaha, West Champaran in connection with Bhitaha P.S. Case No. 94 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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