

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9784 of 2022

Arising Out of PS. Case No.-484 Year-2021 Thana- DIGHA District- Patna

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VIJENDRA KUMAR SON OF LATE RAMJI RAY R/O- NAKATA
DIYARA, P.S.- DIGHA, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.S. Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-08-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence under Section 379/411 of the Indian Penal Code and Rules 11/56 of Bihar Mineral Rules, 2019.

As per the prosecution case, one tractor loaded with sand was seized and driver was arrested on spot, who disclosed the name of petitioner, as the owner of the said tractor.

It is submitted on behalf of petitioner that said tractor was being used for transportation of sand from the main road to the side of construction of house situated in narrow branch road. It is pertinent to mention that most of the houses in Patna is being constructed where heavy vehicle like Hywa, Truck etc. cannot go and therefore, the said heavy vehicles generally unload the construction material i.e. sand, stone chips etc. by the



side of main road near the construction site and thereafter, tractor is being used for transportation of said materials to the construction sites. Petitioner, being owner of the said tractor, has no role to play with the alleged crime in question. It is not a case that vehicle in question was involved in the theft of sand.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, 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 learned S.D.J.M., Patna in connection with Digha P.S. Case No. 484 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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