

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50315 of 2022

Arising Out of PS. Case No.-189 Year-2022 Thana- SIKANDRA District- Jamui

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PANKAJ KUMAR SINGH @ PANKAJ SINGH Son of Gore Lal Singh
Resident of Village - Ghosh, P.S.- Sikandra, District - Jamui.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-12-2022 Heard Mr. Anil Kumar, learned counsel for the

petitioner and learned APP for the State in Virtual Court

Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 279, 337, 338,
379, 307, 353, 504/34 of the Indian Penal Code and Section 21
of the M.M.D.R. Act and Section 56(2) of the Bihar Mineral
(Concession Prevention of Illegal Mining, Transportation and
Storage) Amendment Act, 2021, in connection with Sikandra
P.S. Case No. 189 of 2022.

As per the prosecution story, the informant, a police
officer, upon secret information about movement of a tractor



with illicit sand, intercepted it, when it is alleged that the petitioner herein along with 10-15 persons came and forcibly tried to take away the tractor and in the process also assaulted and injured two constables. Further the petitioner sat on the driver seat and started the tractor and tried to flee away but the tractor overturned injuring him and that helped the police in nabbing him and as such was taken into custody on 18.7.2022 (as stated in para-11 of the bail application).

Learned counsel for the petitioner submits that in fact the tractor was moving and was overturned whereafter the police came and tried to make a gain out of it and upon refusal, the FIR was lodged giving it a different story. In fact the petitioner was seriously injured due to overturn of the tractor still he was taken into custody and is in jail as stated above since 18.7.2022.

So far as the injuries to the Constables is concerned, due to overturn of the tractor as they were standing there it may have hit them but has been exaggerated by the police as an assault upon them.

Taking into account the aforesaid facts/submission of the learned counsel for the petitioner as also the fact that he is in custody since 18.7.2022 and the charge-sheet stands submitted,



this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Jamui, in connection with Sikandra P.S. Case No. 189 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty



to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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