

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14395 of 2023

Arising Out of PS. Case No.-275 Year-2022 Thana- WARISLIGANJ District- Nawada

Gulshan Kumar @ Gurusahay Kumar Son Of Vishundeo Yadav R/O Village-
Masankhama, P.S.- Warisaliganj, District- Nawada

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner in the present case has moved this Court seeking pre-arrest bail in connection with Warisaliganj P.S. Case No. 275 of 2022 registered for the offences under Sections 147, 149, 341, 323, 353, 307, 504, 188, 379, 413, 387 of the Indian Penal Code and Section 21 of the MM (D&R) Act 1957 as also Section 15 of the Environment Protection Act, 1986. He has one criminal antecedent in which he is on bail.

As per the prosecution story, on the basis of a secret information on 09.06.2022 at about 03:50 P.M., the informant along with S.D.M., Nawada Sadar, Mines Inspector, Nawada and other police personnel conducted a joint raid near Mafi Mor, Bypass against illegal mining/transportation, storage and overloading of sand. During the raid, one tractor illegally loaded



with sand was caught. The driver of the said vehicle fled away leaving the vehicle and thereafter the said vehicle was seized. In course of carrying the said tractor to the concerned police station, 30-35 accused persons started pelting stones on the police personnel near Chandani Chowk. It is further alleged that one motorcycle was also seized from the said place.

Learned counsel for the petitioner submits that the owner of the tractor has already been granted bail after depositing his fine and this petitioner is neither the driver nor the owner of the tractor. It is also submitted that there is no specific allegation against him.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case in which it is submitted that the tractor owner has already deposited the fine and obtained bail in this matter and this petitioner is neither the owner nor the driver of the vehicle in question as also that there is no specific allegation against him of causing assault upon the police personnel and the co-accused Mukesh Singh and Saurav Kumar have been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 69953 of 2022, this Court directs that in case of



his arrest or surrender within a period of four weeks from today, the petitioner shall be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) in connection with Warisaliganj P.S. Case No. 275 of 2022 with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IV, Nawada, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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