

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17564 of 2023

Arising Out of PS. Case No.-59 Year-2022 Thana- SASARAM MUFFSIL District- Rohtas

DHARMENDRA CHAUDHARY Son of Nagendra Chaudhary @ Parvesh
Chaudhary R/V- Admapur, (Basantpur Tola), P.S.-Sasaram (Muffasil),
District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Mining Officer, Rohtas Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ramesh Kumar, Advocate
For the State	:	Mr.Ajay Kumar Jha, APP
For Mines	:	Mr.Naresh Dixit, Advocate
		Mr.Brij Bihari Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-05-2023 Heard the learned counsel for the petitioner
and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Sasaram (M) P.S. Case No.59 of 2022, registered for offences under Sections 379 and 411 of the IPC and under Section 56(i), 56(ii) Bihar Mining Act and Sections 33, 41, 42, 52, 52(3) of the Forest Act.

The case of the prosecution, in brief, is that on the alleged date and time of occurrence, the informant was on patrolling duty alongwith his police force, when he received secret information that a



tractor/trailor, loaded with illegal stones is going towards Sasaram, whereupon the informant alongwith his police force had gone to the place of occurrence and apprehended the tractor in question, which was found loaded with illicit stones, however, the driver of the said tractor had managed to flee away. It is also alleged that the petitioner was guiding the tractor/trailor in question, in order to ensure its safe passage.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is an accused in two other cases but he is on bail in the said cases. The learned counsel for the petitioner has also submitted that neither the tractor/trailor in question belongs to the petitioner nor the petitioner is the driver of the same, hence he is having no complicity in the matter.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner is not stated to be either the owner of the tractor in question or the driver of the same, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sasaram (Rohtas) in connection with Sasaram (M) P.S. Case No.59 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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