

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18012 of 2023

Arising Out of PS. Case No.-262 Year-2021 Thana- JHAJHA District- Jamui

SIKANDAR YADAV S/O Sushil Yadav R/O Village- Bhelwa, P.S- Suiya,
District- Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 379, 411, 353, 307 and 279/34 of the Indian Penal Code, Section 4/40 of the Bihar Mines and Minerals Rules, 1972, Section 8(a) of the Bihar Prevention of Illegal Mining Storage and Transportation Act, 2003 and Section 15 of the Environmental and Forest Protection Act pending in the learned court below.

As per the prosecution case, on the alleged date and time, police team and informant were on duty at Karma Bridge. A tractor loaded with sand was indicated to stop but the driver did not stop rather he fastly drove the tractor towards Bodwa village and unloaded the sand, thereafter, it returned to the police party. When the police party again indicated to stop the



tractor, driver did not stop it and he ran the tractor over the police due to which the informant got injured.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that there is general and omnibus allegation against the petitioner. He submits that petitioner has no knowledge about the illegal mining. He further submits that from bare perusal of the F.I.R. it appears that nothing overt act has been attributed against the petitioner. He submits that similarly situated co-accused i.e. owner of the tractor has already been granted bail by this Court vide order dated 14.02.2023 passed in Cr. Misc. No. 39906/2022. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

Learned APP for the State opposes for prayer for bail and submits that petitioner is driver of the tractor but learned counsel for the petitioner denies the fact that petitioner is the driver of the said tractor.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail



bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Jhajha P.S. Case No.262/2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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