

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19457 of 2023

Arising Out of PS. Case No.-162 Year-2022 Thana- INDUSTRIAL District- Bhagalpur

Aarju Khan, Son of Israeel Khan Resident Of Village Gauri Shankar School,
Hanumangari Ward Number 4, Police Station Motihari District- East
Champanan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate with
Mr. Dhananjaya Nath Tiwari and
Mr. Vijay Anand, Advocates

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-06-2023 Heard Mr. N. K. Agrawal, learned senior counsel,
duly assisted by Mr. Dhananjay Nath Tiwari, learned counsel
appearing on behalf of the petitioner and learned Additional
Public Prosecutor for the State.

A supplementary affidavit has been filed across the Board, which is accepted.

It is submitted that during the pendency of the present bail application, one another case has been filed against the petitioner on 05.06.2023 and the same has been informed to this Court.

The petitioner, happens to be the owner of the Truck bearing Registration No. BR06GD-2219, apprehends his arrest



in connection with Industrial Area P.S. Case No. 162 of 2022, registered for the offences punishable under Sections 379/411 of the Indian Penal Code and Rules 56(1)/56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019.

It is alleged that the Truck of the petitioner was intercepted wherein overloading of stone chips was found and the driver failed to produce any challan, accordingly the present case has been instituted.

Learned senior counsel appearing on behalf of the petitioner submits that so far the overloading is concerned, the fine of overloading of stone chips has already been deposited with the competent officer on 15.10.2022, copy of which has been brought on record by way of Annexure-2 to the petition. He next submitted that so far the genuineness of the challan is concerned, the same is subject matter of trial and the petitioner is not concerned in any way as the same has been produced by the driver of the Truck. He next submitted that another co-accused person having identical allegation has been allowed the privilege of bail by learned coordinate Bench of this Court in Cr. Misc. No. 14108 of 2023 *vide* order dated 12.05.2023, the copy of which has been placed before this Court and the same has



been taken on record. He further submits that prior to the institution of this case, the petitioner has never been found indulged in any of such crime and he is a reputed person and the owner of the Truck, which is used for transportation of goods.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the fine has already been deposited with the competent officer and prior to institution of this case the petitioner was carrying clean antecedent, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate 1st Class, Bhagalpur in connection with Industrial Area P.S. Case No. 162 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C.

(Harish Kumar, J)

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