

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32772 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- KAJRAILI District- Bhagalpur

KARU YADAV @ KARO PD. YADAV SON OF WOKIL YADAV @
WOKIL PD. YADAV RESIDENT OF VILLAGE- KHURD KAJRELI, PS-
KAJRELI, DISTT- BHAGALPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. DEPARTMENT OF MINES AND GEOLOGY, GOVERNMENT OF
BIHAR, PATNA THROUGH ITS SECRATERY BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ambrish Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, APP
For the Mines	:	Mr. Naresh Dixit, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-07-2023 1. Heard learned counsel for the petitioner and

learned A.P.P. for the State along with learned counsel for the

Department of Mines.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 379 and

411 of the Indian Penal Code and under Sections 11, 39 and 56

of BMMC Rule, 2019.

3. Learned counsel for the petitioner submits that the

petitioner is a person with clean antecedent.

4. The informant alleges that a tractor along with a

loader with 150 Cft of sand was apprehended, further the driver

fled leaving the tractor, next alleges that 500 Cft of sand was



also found stored at the place of occurrence.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that petitioner was not present at the place of occurrence and it is next submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated, it is further submitted that petitioner was completely unaware that the driver of the tractor would misuse the vehicle in the manner as alleged in the F.I.R. It is further submitted that since it has been alleged that 150 Cft of sand was found on the tractor, as such the petitioner is willing to compound the offence with respect to 150 Cft of sand, but then the said compounding would be done at the time of release of the tractor which is seized.

6. Learned A.P.P. for the State along with learned counsel appearing for the Department of Mines opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned trial court where the case
is pending/successor court in connection with Kajreli P.S. Case
No. 23 of 2023 subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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