

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45995 of 2023

Arising Out of PS. Case No.-500 Year-2022 Thana- KISHANGANJ District- Kishanganj

ZAMIL AKHTAR SON OF MUKHALASUR RAHMAN R/O WARD NO.
13, NAYATOLA GACHHPARA, PS- KISHANGANJ, DIST- KISHANGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 06-09-2023 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Kishanganj Police Station Case No. 500 of 2022, dated 21.12.2022, disclosing offences punishable under Section 379 of the Indian Penal Code, Rules 11/43/56 Bihar Mineral (Concession and Prevention of Illegal Mining, Transportation and Storage) Rules, 2019 and Section 15 of the Forest an Environment Act, 1986.
3. The prosecution case, as per the First Information Report, is that on 17.12.2022, the Mines Inspector, on secret information, reached near the Bund of Mahananda River and found that some persons were digging earth from the Bund and were loading the same on a tractor. On seeing



the police party, the accused persons fled away. Thereafter, the police seized the tractor and was bringing the same to the Police Station. However, some persons followed the tractor. The owner of the tractor, along with other local persons, surrounded the tractor, manhandled the police party and snatched the tractor from the custody of the police.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to the fact that he happens to be the owner of the tractor, in question. He further submits that the petitioner ply the said tractor on rental basis and was not aware about the loading of the soil from the Bund on the tractor by the driver and other persons.
5. I have heard learned Counsel for the parties concerned and have gone through the materials available on record, including the impugned order.
6. From perusal of the impugned order, it appears that the learned Sessions Judge, Kishanganj, has dismissed the prayer for anticipatory bail of the petitioner upon taking into account the fact that the seized tractor was taken away from the custody of the police by the petitioner and



other co-accused persons.

7. I do not find any reason to differ with the conclusion arrived at by the learned Sessions Judge, Kishanganj.
8. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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