

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46246 of 2023

Arising Out of PS. Case No.-628 Year-2021 Thana- HISUWA District- Nawada

=====

DENGAN KUMAR @ PRASHANT KUMAR SON OF GAUKARAN
SINGH RESIDENT OF VILLAGE- LATAWAR, PS- HISUA, DIST-
NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra, Advocate.

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

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-09-2023 Heard Mr. Vibhuti Ranjan Sonvadra, learned counsel

appearing on behalf of the petitioner and Mr. Shyameshwar

Dayal, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Hisua P.S. Case No. 628 of 2021 registered for the offence
punishable under Sections 379 and 353 of the Indian Penal
Code.

3. Prosecution story, in brief, is that on secret
information with regard to illegal mining of sand, when the
informant who is Circle Officer, Hisua arrived at the spot, one
tractor loaded with sand was found parked near a house and on
seeing the informant the driver managed to flee away. When the
informant wanted to seize the said tractor, the petitioner along



with the villagers protested and obstructed in discharging official duty. It is also alleged that the aforesaid tractor's engine no. is 391354/HK010826A and Chassis No. is WZTK30429141519.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is a co-villager and he is not involved in illegal mining of sand. The specific allegation is against the tractor's owner and driver. The tractor bearing engine no. 391354/HK010826A and Chassis No. WZTK30429141519 is not registered in the name of the petitioner. Petitioner has clean antecedent. On these grounds, he seeks to be released on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Considering the nature of allegation made in the F.I.R. and the fact that only allegation against the petitioner is that he had obstructed the informant and the raiding team during the course of search and seizure and the petitioner has clean antecedent, prima facie, it appears that the the petitioner has made out a case to be released on bail.

7. The court below is directed to obtain a report from the District Transport Officer, Nawada with respect to the tractor



bearing engine no. 391354/HK010826A and Chassis No. WZTK30429141519 and if it is found that the same is not stolen one and is not registered in the name of the petitioner, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-VI, Nawada in connection with Hisua P.S. Case No. 628 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

mantreshwar/-

U		T	
---	--	---	--

