

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.48060 of 2022

Arising Out of PS. Case No.-69 Year-2021 Thana- KAJRAILICHAK District- Bhagalpur

PAWAN YADAV @ PREM YADAV S/o Bahdur Prasad Resident of Village-
Sahradpur (Kishanpur), P.S.- Nath Nagar, District- Bhagalpur.. ... Petitioner/s
Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Adv.

For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-01-2023 Heard learned counsel for the petitioner and the

State through video conferencing in view of the Covid-19.

The petitioner is apprehending arrest in connection
with Kajrali P.S. Case No. 69 of 2021 instituted under
Sections 188, 379, 353 of the Indian Penal Code.

As per the FIR, the 'Chowkidar' alleged that a truck
loaded with sand which was illegally mined by the accused
persons was intercepted and parked by the police and he was
directed to take care of it. In the midnight, however, the
owner of the truck, Rajesh Yadav came along with driver and
after pushing the informant took away the truck. Accordingly,
the FIR was lodged.

Learned counsel for the petitioner submits that the
allegation is against one Rajesh Yadav of pushing the
'Chowkidar' and taking away the truck along with the driver.
The petitioner has not been named in the FIR and only
construing him as the driver of Rajesh Yadav, he has been



implicated in this case. The last submission is that he do not have any criminal antecedent.

Learned APP on the other hand submits that it is a case of illegal mining and also interfering in the steps that were taken by the police.

Taking into account the fact that there is specific allegation against Rajesh Yadav of pushing the informant and forcibly taking away the truck, the petitioner is not named in the FIR, he do not have any criminal antecedent, this Court is inclined to grant him relief.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Kajrali P.S. Case No. 69 of 2021 to the satisfaction of learned ACJM, 14th, Bhagalpur subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Ravi/Ajay
Singh/-

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