

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50698 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- PARSAUNI District- Sitamarhi

Sunil Kumar S/O Amin Sah R/O Village- Persauni Maulwar, P.S. Parsauni,
Dist. Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner in the present case is seeking pre- arrest
bail in connection with Parsauni P.S. Case No. 49 of 2023 registered
for the offences punishable under Sections 188, 353, 379, 504,
506/34 of the Indian Penal Code and Section 56 of Bihar Minerals
(Concession Prevention of Illegal Mining, Transportation and
Storage Amendment) Act, 2021. He has got no criminal antecedent.

3. As per the prosecution story, on 24.03.2023 at about
08:30 P.M. when the informant along with other police personnel was
on patrolling duty, he raided a truck bearing registration no.
BR01GJ9227 at Parsauni Petrol Pump. The said truck was carrying
about 800 cft of sand without having valid license. When the
informant tried to seize the said truck, the petitioner along with
others stopped him and threatened to burn the truck. They also
managed to free the truck and escaped.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is having some dispute with the Officer-in-charge of Parsauni police station due to which the present FIR has been lodged.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the nature of allegations in which it is alleged that the truck in question was carrying out 800 cft of sand without challan and when the informant and his party had seized the said vehicle and was taking away the same, this petitioner who is an Ex-mukhiya intervened along with others and opposed the informant and threatened to burn the truck and, thus, they were successful in getting freed the truck loaded with sand, this Court, having a view that the petitioner being Ex-mukhiya had allegedly indulged in getting freed the truck loaded with illegally extracted sand, is not inclined to grant privilege of anticipatory bail to the petitioner.

7. Prayer is refused.

8. This application is dismissed.

(Rajeev Ranjan Prasad, J)

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