

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51200 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- DIGHA District- Patna

AKSHAY KUMAR S/O LATE SHUKHDEV RAY Resident of Nakta Diara,
P.S.- Digha, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. SUNIL KUMAR CHOUDHRY S/O SHIV SHANKER CHOUDHRY
Resident of Sandalpur, P.S- Shaebpur, District- Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-01-2023 Heard counsel for the petitioner and the State.

The petitioner is apprehending arrest in connection with Digha P.S. Case No. 48 of 2022 under sections 379 and 411 of the Indian Penal Code and Section 11,43 and 56 of the BMMC Act.

As per the prosecution story, the informant, Mining Inspector has alleged that they intercepted a tractor loaded with sand and as there was no paper for the same, the persons on the vehicle were detained. It was found that the tractor belongs to the present petitioner. Accordingly, the FIR amongst other against this petitioner.

Learned counsel for the petitioner submits that it is



fact that the tractor belongs to him but then he was disturbed with the kidnapping of his minor daughter and had also lodged an FIR vide Digha P.S. Case No. 39 of 2022 and in between the driver and the labourer took advantage of that and they did illegal work for which he has been implicated.

The last submission is that the said amount/fine of Rs. 31,390/- has been deposited in the District Mining Office, Patna and a letter to this effect dated 18.5.2022 has been provided in support thereof.

Let the same be kept on record.

The learned APP on the other hand opposes the prayer stating that he being the owner cannot exonerate himself from the responsibility.

Taking into account the fact that at that time, his minor daughter was kidnapped for which Digha P.S. Case No. 39 of 2022 was lodged, he has since deposited the fine and ultimately has to face the trial, this Court is inclined to grant him relief.

Let the petitioner be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the



satisfaction of learned S.D.J.M., Patna, in connection with
Digha P.S. Case No. 48 of 2022 subject to the conditions as laid
down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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