

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55947 of 2023

Arising Out of PS. Case No.-321 Year-2022 Thana- NARDIGANJ District- Nawada

Rajeev Kumar Son Of Naval Singh Resident Of Village- Jhikarua, Ps- Narhat,
Dist- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. District Mines Officer, Nawada Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and the learned
Additional Public Prosecutor (for brevity 'APP') for the State.

2. The petitioner is apprehending his arrest in connection with Nardiganj P.S. Case No. 321/ 2022 registered for the offence punishable under Sections 147, 149, 323, 324, 307, 379, 427, 353, 504 of the Indian Penal Code (for brevity 'IPC').

3. The allegation is that the patrolling party has seen illegal sand being transported on a tractor. On stopping the illegal activity, they have been resisted by 15-20 persons, who have also injured the raiding party.

4. Learned counsel for the petitioner submits that petitioner is not named accused in the First Information Report



(for brevity 'F.I.R.'). In investigation, the ownership of the tractor was traced to the petitioner, and as such, he has been implicated. Petitioner not being a named accused, cannot be attributed any criminal liability for the alleged resistance or assault with the police parties. Petitioner is a *bona fide* owner of the tractor. In fact, he is victim of the circumstances, whereby tractor was put to use for the purposes as alleged in the F.I.R., without his knowledge. In fact, he has paid the amount of fine, arising out of alleged illegal mining to secure release of his tractor for carrying on his livelihood. He is a man of clean antecedents.

5. Learned APP for the State has opposed the prayer for anticipatory bail. It is submitted that 15-20 persons have not only obstructed the police party, but have also caused injury.

6. Having regard to the submissions advanced by the petitioner's counsel, manner in which the petitioner has been implicated, though not named in the F.I.R., and the clean antecedents of the petitioner, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on



furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Nawada, in connection with Nardiganj P.S. Case No. 321/2022, subject to the following conditions:

(i) That one of the bailors of each of the petitioner will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

Raj kishore/-

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