

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62957 of 2023

Arising Out of PS. Case No.-171 Year-2023 Thana- RANIYATALAB District- Patna

Santosh Paswan @ Santosh Kumar son of Sri Kamlesh Paswan @ Bhauri
Paswan Resident of - Dorapur P.S.- Rani Talab District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-10-2023

Heard Mr. Vijay Kumar Sinha, learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Rani Talab P.S. Case No. 171 of 2023 registered for the offences punishable under Sections 379, 411, 414, 353, 504 / 34 of the Indian Penal Code

3. In course of vehicle checking, the police intercepted a tractor, bearing Registration No. BR01GM-2591, which was allegedly overloaded with the sand. On demand being made, the petitioner neither produced the challan nor the valid papers of the tractor. It is further alleged that the petitioner also misbehaved with the police personnel and called the villagers



and threatened the police personnel with dire consequences of putting them under suspension. In the meantime, the police personnel asked for extra forces, thereafter the petitioner succeeded in fleeing away.

4. It is submitted on behalf of the petitioner that the owner of the tractor and trailer, in question, is Avinash Kumar and he has already deposited the amount of Rs. 40,443/- to Mining Department on 01.06.2023 and thereafter the tractor and trailer, in question, were released but because of some ulterior reason the name of the petitioner has been shown as the owner of the tractor in the F.I.R. He further submits that the petitioner was carrying the sand on valid challan, but only because of some altercation, which took place between the petitioner and police officials, the tractor was seized and his name has been implicated in this case. The petitioner has brought on record his valid driving licence, which is marked as Annexure-2. He lastly submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner had made obstruction in discharging the official duty of the State



Officials.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that the fine has already been deposited to the Mines Department, let the petitioner, named above, be released on bail in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. First Class, Danapur, Patna in connection with Rani Talab P.S. Case No. 171 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own / close family members of the petitioner.

(Harish Kumar, J)

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