

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61161 of 2022

Arising Out of PS. Case No.-372 Year-2022 Thana- NAUBATPUR District- Patna

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1. KAMLESH PRASAD S/o Suresh Prasad R/o- Pahal Bigha, P.S.- Kako, District- Jahanabad, Bihar
 2. SUJEET KUMAR @ MADHESH PRASAD S/o Kameshwar Prasad R/o Puranchak, P.S.- Masaurhi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avanish Kumar Singh, Advocate

For the Opposite Party/s : Mr.Amit Kumar Rakesh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-04-2023 Heard Mr. Avnish Kumar Singh, learned counsel appearing on behalf of the petitioners and Mr. Amit Kumar Rakesh, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Naubatpur P.S. Case No. 372 of 2022, registered under Sections 379 and 414 of the Indian Penal Code.

The prosecution case, in brief, illegal excavated sand were recovered from the tractor of the petitioner no.1.

Learned counsel appearing on behalf of the petitioners submitted that petitioner no.1 is the owner of Mahindra Yuva 265 DI, Chasis No. MBNSFACAPJNL00043 and petitioner no.2 is the driver of the said tractor. He further submits that indemnity bond of Rs. 30325/- has been deposited by the petitioner and he was discharged from the liability under



the provision of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019. The F.I.R. is not sustainable as the petitioner has claimed that he is the owner of the seized tractor and had also produced Registration Certificate duly issued by the District Transport Officer.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

Considering the nature of allegation made against the petitioners, the petitioner No.1 has claimed to be the owner of vehicle and has deposited the penalty amount by furnishing indemnity bond in terms of provisions of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019, let the petitioner, above named, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-III, Danapur in connection with Naubatpur P.S. Case No. 372 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Purnendu Singh, J)

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