

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69821 of 2023

Arising Out of PS. Case No.-453 Year-2018 Thana- AMARPUR District- Banka

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Tinku Mandal @ Rajiv Kumar Singh, S/o Mankeshwar Sah @ Mankeshwar Sah @ Maheshwar Sah, Resident of Sahu Tola, Bhawanipur, P.S.-Rangra (O.P.), District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Department of Mines and Minerals, Bihar, Patna.

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-11-2023 Heard Mr. Pankaj Kumar, learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Amarpur P.S. Case No. 453 of 2018, registered for the offences punishable under Sections 379, 411 of the Indian Penal Code.

3. It is alleged that in course of vehicle checking the Mines Inspector, Banka, intercepted a 10 wheeler hyva truck bearing regd. No. BR51B1146. On demand the driver produced the challan which was subsequently found fake and in the mean time, the driver managed to flee away from the spot. It is further



alleged that in the course of search, 700 cft. loaded sand was found in the vehicle. The petitioner is neither named in the F.I.R. nor he is in any way connected with the vehicle.

4. It is submitted that during the course of investigation the name of the petitioner has transpired as one of the associates in procuring the forged challan. He further submits that from the record it appears that one Nilesh Kumar Yadav, who happens to be owner of a photostat shop, used to prepare fake challan and on the basis thereof earned undue profits. The illegal sand was being carried by the seized vehicle and the fine imposed by the department, has also been deposited by the owner of the vehicle and moreover, co-accused Nilesh Yadav against whom the entire thrust of the allegation has been levelled, he has already been allowed bail by the Court below itself. He lastly submits that the petitioner is a man of fair antecedent and as he is not named in the F.I.R. thus, there was no reason to apprehend his arrest but subsequently his name has sprung up during the course of investigation, which necessitated filing of the present application.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submission has been made that the petitioner is found involved in manufacturing of



fake challan.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record and the fact that the specific allegation of manufacturing fake challan has been levelled against Nilesh Kumar Yadav and has been allowed bail by the learned Court below itself, coupled with the fair antecedent of the petitioner, let the petitioner above named 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 Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 453 of 2018, 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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