

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16390 of 2024

Arising Out of PS. Case No.-387 Year-2021 Thana- LALGANJ District- Vaishali

Ram Pukar Sah SON OF LATE MAHABIR SAH RESIDENT OF
VILLAGE- KHAJOULI, PO- KHANJAHAK CHAK, PS- LALGANJ, DIST-
VAISHALI

... .. Petitioner/s

Versus

1. The State of Bihar
2. DEPARTMENT OF MINES AND MINERS TRANSPORTATION AND
STORAGE BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sabal Kumar Jha, Adv.
For the Opposite Party/s	:	Mr.Surendra Prasad Singh, APP.
For the Mines Department	:	Mr. Naresh Dikshit, Adv.
		Mr. Brij Bihari Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-03-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 414, 188 of the Indian Penal Code and Bihar Mineral Prevention of Illegal Mining Transportation and Storage Rules, 2019.

3. The prosecution case, in brief, is that on 25.10.2021 at 20:30 hrs, near Yusufpur Road Panchayat Bhawan PS Lalganj, Vaishali, the informant along with other officials stopped a six wheeler truck coming from Khanjaha chak. On query, the driver of the truck, namely, Rajesh Rai has not produced either the documents of the truck or the documents related to the loaded



sand.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and he has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in the present case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. Petitioner is not named in the FIR. It is further submitted that the said truck was in name of one Rajendra Prasad Yadav. During the investigation, it came to light that Rajendra Prasad Yadav had sold the said truck to the petitioner for Rs. 2,50,000/-, but the owner book has not been transferred to him and only on that basis, the petitioner has been made accused in the present case. He further submits that there is violation of Section 100 of the Cr.P.C. Petitioner has no criminal antecedent, as mentioned in para 3 of the bail application.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, as the said truck belongs to the petitioner and there is violation of Section 100 of the Cr.P.C., let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six



weeks from today, on furnishing bail bond of Rs. 25,000/-
(Rupees Twenty Five Thousand) with two sureties of the like
amount each to the satisfaction of the learned Court below
where the case is pending/successor Court in connection with
Lalganj P.S. Case No. 387 of 2021, subject to the condition as
laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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