

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8966 of 2024

Arising Out of PS. Case No.-397 Year-2023 Thana- ARWAL District- Jehanabad

Pappu Kumar S/o Baliram Chaudhary Village- Piprabangla, Ps. Arwal, Dist. Arwal.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 22-02-2024 1. Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.
2. The accused/petitioner is named in F.I.R. and apprehending his arrest in connection with Arwal P.S. Case No. 397 of 2023, registered for the offences punishable under Sections 379, 411, 201, 279, 353, 307 and 504 of the Indian Penal Code.
3. The allegation against above named petitioner is to take away tractor from police custody loaded with illegal sand, where an attempt was also made to hit vehicle of police by tractor, loaded with sand, with intention to kill.
4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is the owner of tractor and his implication with present matter appears only in said capacity, where the tractor was with driver, engaged by petitioner. It is submitted that this is not a case of any bodily



injuries rather out of negligent driving of tractor by driver, implication made under Section 307 of the Indian Penal Code merely on the basis of apprehension. While concluding argument, it is submitted that seizure list witnesses are also Bihar Police Constable and same is not supported by any independent witnesses. It is submitted that petitioner found involved one more criminal case, where he is on bail.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances, as implication of petitioner appears only being owner of the tractor in issue, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Arwal/concerned Court, where the case is pending in connection with Arwal P.S. Case No. 397 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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