

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15172 of 2024

Arising Out of PS. Case No.-235 Year-2021 Thana- KHIJARSARAI District- Gaya

Wahidur Rehman @ Wahidur Ramhan S/o Md. Habibur Rahman R/o Mohalla
- Sabri Place FCI Road Khalipura Phulwari, Police station - Phulwarisharif,
District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amitabh S/o Late Surya Mohan Prasad, Mines Inspector R/O Thakur Bodi Road, P.S and Dist.- Kishanganj at present posted address Mines Inspection, Distt. Mins. office, Distt.- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar, Advocate
For the Opposite Party/s	:	Mr. Md. Mushtaque Alam, APP
For the Mines	:	Mr. Naresh Dixit, Advocate
		Mr. Brij Bihari Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-03-2024 Heard Mr. Ajay Kumar, learned counsel appearing on behalf of the petitioner through video conferencing, Mr. Brij Bihari Tiwary, learned counsel for the Department of Mines and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Khizersarai P.S. Case No. 235 of 2021, registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code, 21 MM (D&R) Act, 1957 & BM (CPIMTS) Rule, 2019 and Sections 11 and 18 of the same.

3. Allegedly, the police on a secret information intercepted a Haiwa truck, bearing Registration No. UP75AT-0078 loaded with stone chips. On demand, the driver unable to



produce any valid papers in respect to the loaded chips as well as the vehicle. Taking note of the aforesaid facts, the present FIR has been instituted and the vehicle has been taken in possession.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been made accused in this case only on account of he being owner of the Haiwa vehicle, which was laden with stone chips. However, the fact is that the vehicle, in question, was given on rent in the name of 'Sikandar Kumar', who was driving the vehicle at the time of incidence. He further drew the attention of this Court to the rent agreement of the vehicle in favour of 'Sikandar Kumar'. Referring thereto, he submits that as the vehicle was given on rent, he was not even aware as to what was being loaded by the driver of the vehicle, in whose favour the rent agreement of the vehicle was executed, moreover, the petitioner is a man of fair antecedent and he undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that admittedly the petitioner is the owner of the vehicle, which was seized by the Officers of the Mines Department and his



involvement cannot be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has been implicated in this case on account of he being owner of the vehicle, in question, coupled with the fair antecedent and his undertaking, 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.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate – IV, Gaya in connection with Khizersarai P.S. Case No. 235 of 2021, 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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