

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28513 of 2024

Arising Out of PS. Case No.-243 Year-2023 Thana- MAHKAR District- Gaya

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Kavindra Yadav @ Kavindra Prasad @ Kamindra Yadav S/O Mosafir Yadav
R/O Vill. - Shahbazpur, P.S - Mahkar, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sheikh Arkan Ahmad, Adv.

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 18-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending arrest in connection with Mahkar P.S. Case No. 243 of 2023 registered for the offences punishable under Sections 379, 411, 353, 351, 186, 324, 34 of the Indian Penal Code and Section 21 of the Mines Minerals (Regulation and Development) Act.

3. As per prosecution case, on information that illegal sand is being carried by the trolley of Eicher tractor and Mahindra Bhumiputra tractor, informant along with police officials reached there and asked to stop the tractors. The driver/owner of Mahindra tractor fled away leaving the tractor and trolley whereas the driver/owner of Eicher tractor managed to flee away along with the tractor and trolley.



4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the first information report. Learned counsel through supplementary affidavit has submitted that petitioner is driver of the Eicher tractor in question and he is not owner of the said tractor. It is further submitted that petitioner has been falsely implicated in this case merely because he is the driver of Eicher tractor in question. Learned counsel further submits that as per seizure list, there was alleged recovery of sand from Mahindra tractor in question. There was no recovery from Eicher tractor in question. Petitioner bears criminal antecedent of two cases in which he is on bail.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner, above named, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial



Magistrate I, Gaya in connection with Mahkar P.S. Case No. 243 of 2023, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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