

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32720 of 2024

Arising Out of PS. Case No.-466 Year-2023 Thana- KONCH District- Gaya

1. Gita Devi @ Gira Devi WIFE OF RAMCHANDRA YADAV RESIDENT OF VILLAGE- MUJAOUNA, PS- ALAULY KHAGARIA, DIST- KHAGARIA
2. MUKESH KUMAR SON OF AWADESH YADAV RESIDENT OF VILLAGE- CHHATWAN, PS- TEKARI, DIST- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-05-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Konch P.S. Case No. 466 of 2023 for the offence under Sections 147, 149, 341, 323, 332, 333, 379, 411, 504 and 353 of the I.P.C. and Sections 4(1A) and 21 of the Mines and Mineral (Development and Regulation) Act, Sections 11 and 18 of the Concession, Prevention of Illegal Mining, Transportation & Storage Rule, 2019, Section 56(4) of the Bihar Mineral Transportation and Storage Rule, 2021 and Section 15 of the FEP Act, 1986 lodged on 09.10.2023 by the informant, Ramji Murmu.

3. As per the prosecution story, the informant alleged



that while on patrolling duty found tractors, engaged in loading sand were parked there. Upon sight of the police, all the tractor drivers tried to escape. However, while three tractors/driver managed to escape, the driver of the tractor in question escaped leaving the tractor at the place of occurrence. When the police wanted the said tractor to take to the police station, the accused assembled and prevented them from doing so. It was only after the SOS sent to the nearby police station which arrived promptly that the police managed to take the tractor. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that petitioner No. 1 is a lady on whose name the tractor is registered while the petitioner No. 2 is the driver and he was not at the place of occurrence. Further, the amount of the sand has been deposited and the receipt is Annexure-2 to the petition. The last submission is that without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioners submit that they are ready to pay Rs. 2,000/- each (totalling Rs. 4,000/-) to the Chief Minister's Relief Fund.

5. Learned APP opposes the prayer stating that the claim that the driver was not on the spot can be falsified by the FIR itself where it has been incorporated that the driver leaving



the tractor escaped.

6. Taking into account the submissions put forward by the parties as also that the petitioner no. 1 is a aged lady while the presence of the petitioner no. 2 cannot be established, both the petitioners do not have any criminal antecedent, the amount of the sand has been deposited, this Court is inclined subject to payment of Rs. 2,000/- each (totalling Rs. 4,000/-) to the Chief Minister's Relief Fund as undertaken by the learned counsel for the petitioners.

7. Let the petitioners be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M.-1st Class, Gaya in connection with Konch P.S. Case No. 466 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their



bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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