

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30088 of 2024

Arising Out of PS. Case No.-265 Year-2023 Thana- PANCHRUKHI District- Siwan

Laxmi Kumari @ Laxmi Devi Wife of Sanjay Prasad Resident of Village-
Badalpura, Chirand, P.S.- Doriganj, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends her arrest in connection with Pachrukhi P.S. Case No. 265 of 2023 dated 02.10.2023 registered for the offence punishable under Sections 379, 420 and 120B of the Indian Penal Code, Rules 4 and 40 of the Bihar Minor Mineral Concession Rules, 1972 and Rules 4, 6 and 8 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules.

3. The prosecution case, in short, is that the accused persons fled away with the two loaded trucks which were seized earlier.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. He further



submits that the petitioner is the owner of truck bearing Registration No. 04GB7107 and the said truck is used for carrying vegetables and coal; the work of carrying sand has never been done with the said truck. It seems that someone has fraudulently used the truck number of the petitioner for illegal sand transportation. The petitioner has no connection with the seized truck and the petitioner's truck has never been seized by the police. He further submits that the statement in the FIR that the seized truck was taken away by the truck driver despite police surveillance, is ridiculous because at the time of seizure, the keys of the truck must have been seized by the seizing officer. In this way the petitioner is absolutely innocent and no allegation can be made against her. It is submitted that fine against the owner of the truck bearing Registration No. BR 04 GB7107 has been imposed. It is submitted that the said amount of fine has already been deposited and if any amount is due the said due amount will be deposited at the time of furnishing bail bonds. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the



event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in Pachrukhi P.S. Case No. 265 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 as also furnishing the receipts of the entire cost of fine at the time of furnishing bail bounds.

7. The application stands allowed.

(Khatim Reza, J)

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