

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33855 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Sheikh Rijwan @ Rijwan Ahamad Son of Md. Kalam R/O Vill.- Kataha,
P.S.- Muffasil, Dist.- East Champaran, Motihari.
 2. Dinesh Rai @ Dinesh Prasad Yadav Son of Chalitar Rai R/O Vill.- Semara,
P.S. Muffasil, Dist.- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-05-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Muffasil P.S. Case No. 12 of 2024 for the offence under Sections 341, 323, 188, 332, 353, 379 and 34 of the I.P.C., Section 56 of the Bihar Minerals Concession Prevention of illegal Mining Transportation and Storage Act, 2019 and amendment Rule 2021 and Sections 4/21 of MMDR Act, 1957 lodged on 06.01.2024 by the informant, Md Arman.

3. As per the prosecution story, the informant alleged that on 06.01.2024, it stopped a tractor loaded with 105 Cc feet sand near Sguliya Petrol Pump. The tractor was not having any registration number but the engine number/chassis number



was/were there. As no paper was produced, it was being taken to the police station. In the meantime, owner came and on his direction, the two petitioners herein who are driver (petitioner No. 2) and cleaner (petitioner No. 1) scuffled with the Government Officials and fled away with the tractor. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that they are cleaner and driver respectively and have no role to play. The police though claims to have lodged FIR, till date, they have not even bothered to sieze the tractor which is stationed in the house of the owner. Further, the submission is that without accepting the allegation, the petitioner no. 1 (Sheikh Rijwan @ Rijwan Ahamad) intends to deposit Rs. 2,000/- while petitioner no. 2 (Dinesh Rai @ Dinesh Prasad Yadav) intends to deposit Rs. 5,000/- to the Chief Minister's Relief Fund.

5. Learned APP opposes the prayer stating that on the direction of the owner they took away the tractor.

6. Taking into account the aforesaid submissions as also that the two petitioners are driver and cleaner, though they scuffled on the direction of the owner and took away the tractor considering there family condition, putting them in jail may ruin their family future, this Court is inclined to extend them



privilege of anticipatory bail subject to payment of Rs. 2,000/- by petitioner No. 1 and Rs. 5,000/- by the petitioner No. 2 to the Chief Minister's Relief Fund.

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 CJM, East Champaran, Motihari in connection with Muffasil P.S. Case No. 12 of 2024 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/relative 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 appear before the concerned police station every fortnight for next one year to mark his attendance;

(iv) 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;

(v) 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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