

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34134 of 2024

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

=====

Sk. Safayat Hussain Son of S.K Jauvad Husain R/O Vill.- Gulariya Shiekh
Toli, 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

3 02-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Muffasil P.S. Case No. 12 of 2024 registered under Sections 341, 323, 188, 332, 353 and 379/34 of the Indian Penal Code and 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 (the petitioner herein) came and on his direction, the accuseds scuffle with the police and forcibly took away the tractor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he is the owner of the vehicle and contrary to the allegation, he was not present on the spot but only because the vehicle belongs to him, he has been implicated. Further, the police has not even seized the Tractor. The last submission is that irrespective of outcome of the present petition and/or accepting the allegation, he wants to contribute Rs. 5000/- to the Chief Minister's Relief Fund by way of Bank Draft issued by the local State Bank of India Branch.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that he is the owner of the vehicle and on his instigation, the scuffle took place.

6. Taking into account the fact that though he is the owner of the vehicle, according to him he was not present on the spot, do not have criminal antecedent and similar situation accused have been extended the privilege of bail, this Court is inclined to grant him privilege of anticipatory bail subject payment of Rs. 5,000/- as stated above.



7. Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Eat Champaran, Motihari in connection with Muffasil P.S. Case No. 12 of 2024 subject to condition 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 petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner 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 his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner 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 his bail bonds;



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

(Rajiv Roy, J)

Jagdish/-

U		T	
---	--	---	--

