

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45659 of 2024

Arising Out of PS. Case No.-48 Year-2024 Thana- CHANDI District- Bhojpur

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1. Niraj Kumar, male, aged about 25 years, son of Ashok Rai, resident of Village- Badutpur, P.S.- Ara Nagar, District- Bhojpur.
 2. Lallu Kumar, male, aged about 26 years, son of Bikhari Ray, resident of village- Jamira, P.S.- Ara Nawada, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Chandi PS Case No.48 of 2024 dated 28.04.2024, instituted
under Sections 379 and 411 of the Indian Penal Code.

3. The prosecution case, in brief, is that the police
team, who was on patrolling duty, got secret information that
sands are being transported illegally. On such information, they
reached to Chandi Chawk and found two tractors loaded with
sand are coming from Rupchakia towards Chandi Chawk. On
seeing the police party, the driver of the tractors tried to flee
away with tractor. However, they were caught near Chandi PS.



They could not produce any paper with regard to the sand.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that as per the seizure list, petitioner no.1 is the owner of the tractor bearing Chasis No.MBNAN48ADLTP09752, Engine No.39 1355/BP20977, whereas, petitioner no.2 is the driver of the said tractor. It is further submitted that the petitioners are not named in the FIR. They have not been arrested at the spot. During investigation, it has come that the petitioner no.1 is the owner of the said tractor whereas petitioner no.2 is the driver of the said tractor. It is further submitted that two persons were arrested at the spot, namely, Chunnu Kumar and Yogeshwar Yadav with illegal sand loaded on the tractor. Further submission is that the petitioners are not involved in illegal transportation of sand. Petitioner no.1 is the owner and he is ready to deposit the fine in the Mines Department for transporting sand illegally as alleged. Lastly, it is submitted that the petitioners have 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 petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in Chandi PS Case No.48 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, subject to payment of fine by the owner of the tractor with the Mines Department. The petitioners shall produce the receipt of payment of fine in the Court below at the time of furnishing bail bonds. The Court below shall also ensure that the owner of the concerned tractor must deposit the fine amount with the Mines Department before releasing them on bail.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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