

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45637 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- CHANDI District- Bhojpur

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1. Vijay shankar Singh @ Vijayshankar Singh S/O Radhav Sharan Singh R/O Village-39, Vishunapura, Akhgaon, P.S.-Chandi, Distt-Bhojpur at Ara
 2. Jaymit Kumar S/O Prakash Choudhary R/O Village-Bachari, P.O.- Akhgaon, P.S.-Sandesh, Distt-Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubham Sourav, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, 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.30 of 2024 dated 13-03-2024, instituted
under Sections 379 and 411 of the IPC.

3. The prosecution case in short is that on 13-03-2024
while the informant was on patrolling duty, he got a tip off that
two tractors loaded with sand are coming from Chandi chowk
without any valid challan. For verifying such information,
when informant reached the place of occurrence, he saw two
tractors are coming and on seeing the police party, drivers
stopped the tractor and fled away. Thereafter, both the tractors



were seized, in which one is of Swarj Company having model No. 735XT, Engine No. 351355/SDE07211 and Chassis No. MBNAN48ADMTE25965 and another one is of Sonalika Company having Model No. D142RXHDMS3 & Engine No. 3102FLU24G1190634F19.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that petitioner No.1 is the owner of tractor bearing Engine No. 351355/SDE07211, Chassis No. MBNAN48ADMTE25965 and Model No. 735XT of Swaraj Company, whereas petitioner No.2 is the driver of the said tractor. It is submitted that petitioners have no role in the alleged theft of sand. In fact, on the fateful day, the petitioner no.1 directed to petitioner no.2 to bring his paddy crop from his *khalihan*. However, due to his illness, petitioner no.2 was not in a condition to drive the tractor and he told his friend to bring paddy from *khalihan* without informing to petitioner no.1. It is submitted that seizure list has not been made as per mandatory provisions of Section 100 of the Cr. P.C.. 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 CJM Bhojpur at Ara, in Chandi PS Case No.30 of 2024, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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