

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46116 of 2024

Arising Out of PS. Case No.-128 Year-2024 Thana- SANDESH District- Bhojpur

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1. Ranjeet Kumar Yadav son of Shiv Muni Yadav Village- Jagatpur Ps- Krishnagarh Dist- Bhojpur
 2. Govinda Kumar Singh son of Mithilesh Singh Village- Bishunpur Po- Jalpura Ps- Chandi Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar 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 RAJIV ROY

ORAL ORDER

2 24-07-2024 Heard Mr. Shubham Sourav, learned counsel for the

petitioners and the State.

2. The petitioners are apprehending arrest in connection with Sandesh P.S. Case No. 128 of 2024 instituted under Sections 379, 414, 120B and 411 of the Indian Penal Code and sections 192 and 194 of Motor Vehicle Act lodged on 09.05.2024 by the informant, Dharmendra Kumar.

3. The prosecution story, in brief, as follows:

- (i) on 09.05.2024 at about 02:10 P.M.
the informant was on patrolling along
with other police personnel at Ankhgaon
and he got a secret information that two



tractors are coming from Chandi chowk with fully loaded sand without any challan;

(ii) it is then alleged by the informant that when he reaches to Saripur Shiv Mandir saw the two tractors are coming and on seeing the police party, drivers stopped the tractors and fled away;

(iii) it is further alleged by the informant that both the tractors have been seized in which one is of Swaraj company whose engine no.- 39.1355/SZE03434, Chassis no. WZTE28428128240 and another one is of John Deere company whose engine no. PY3029D593152, chassis no.-IVY5039DJLA008775 in which 110 cft of sand was loaded;

(iv) lastly it is submitted that thereafter, lot of people gathered by seeing the police party but no one was ready to be the independent witness, in the absence of any independent witness, seizure list



was prepared in presence of two police constables.

4. Learned counsel for the petitioners submit that they have been falsely implicated in this case, the petitioner no.1 is owner while the petitioner no.2 is the driver and they were not involved in the illegal mining of the sand. He submits that all the witnesses are police officials and only to implicate them and to seize the Tractor, the FIR.

5. The last submission is the petitioner no.1 wants to contribute Rs. 10,000/- to the Chief Minister's Relief Fund through the Bank Draft issued by the local branch of the State Bank of India.

6. Learned APP opposes the prayer submitting that as per the FIR, the Tractor was indulged in illegal mining of the sand.

7. Taking into account the submission put forward by the parties as also that the FIR is lodged, they will be facing the trial, both the petitioners do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 10,000/- as undertaken by the petitioner no.1 to the Chief Minister's Relief Fund through the Bank Draft issued by the local branch of the State Bank of



India.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court 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 the like amount each in connection with Sandesh P.S. Case No. 128 of 2024 to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her 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 co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their



attendance;

(v) 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;

(Rajiv Roy, J)

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