

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48413 of 2024

Arising Out of PS. Case No.-397 Year-2023 Thana- ARWAL District- Jehanabad

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1. Ajay Singh, Son of Jang Bahadur Singh, Resident of Vill- Pipra Bangla, P.S.- Arwal, District- Arwal.
 2. Vidya Sagar Kumar, Son of Shiv Lakhan Paswan, Resident of Vill- Hasanpur Tandi, P.S.- Arwal, District- Arwal.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR and apprehending their arrest in connection with Arwal P.S. Case No.397 of 2023 registered under Sections 379, 411, 201, 279, 353, 307 and 504 of the Indian Penal Code and Section 56(2) of Bihar Mines and Minerals and Transportation and Restoration Amendment Act.

3. The allegation against the petitioners is to take away tractor from police custody loaded with illegal sand, where an attempt was also made to hit vehicle of police party by tractor loaded with sand, with intention to kill.



4. It is submitted by learned counsel that petitioners have been implicated with present case only for the reason that petitioner no.1 is the owner of alleged recovered tractor and petitioner no.2 is driver, which alleged to be involved in illegal trading of sand. It is submitted that the place of recovery of tractor appears open and accessible by general public. Learned counsel further pointed out that allegation of physical assault is not available against these petitioners or to involve in illegal activities of mining. It is further submitted that allegation of deterring police officials while discharging their official duties is also not available against these petitioners. While concluding argument, it is submitted that both petitioners are men of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submissions, as the allegation to deter police officials and also of physical assault is not available against petitioners, accordingly, above-named, both petitioners are directed to be released on bail, in the event of their arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) each with two sureties
of the like amount each to the satisfaction of the learned
Chief Judicial Magistrate, Arwal in connection with Arwal P.S.
Case No.397 of 2023 subject to the conditions as laid down
under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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