

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49586 of 2024

Arising Out of PS. Case No.-354 Year-2024 Thana- SONEPUR District- Saran

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Bharat Ray @ Bharat Pd. Ray @ Bharat Prasad Son of Bhola Ray R/o
Village- Badurahi, P.S.- Sonepur, District- Saran at Chapra (Bihar)Petitioner/s
Versus

The State of Bihar

.. ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Adv.

For the Opposite Party/s : Ms.Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Sonepur P.S. Case No. 354 of 2024 for the offence under sections 188, 379 and 411 of the I.P.C. lodged on 28.04.2024 by the informant, Anjani Kumar.

3. As per the prosecution story, the informant, a mining Inspector, Saran at Chapra alleged that while he along with the police force was checking the illegal mining, transportation and storage of sand near four lane, found four trucks loaded with sand. The truck was intercepted and the driver was apprehended, the other trucks tried to escape but they were also apprehended and those arrested gave the names of the persons who used pass the trucks, the petitioner is one of them. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that so



far as the trucks which have been seized, none of them belongs to him inasmuch as neither he is the owner nor the driver of any of the trucks. Further, it is the case that he himself is the owner of other trucks and he is no Government authority to decide which truck is to be passed or not allowed to be passed. Only because he has criminal antecedent, implicated. The last submission is that without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submit that the petitioner is ready to pay Rs. 10,000/- to the Chief Minister's Relief Fund.

5. Learned APP opposes the prayer submitting that his name has come as the person who used to pass the truck illegally.

6. Taking into account the fact that the petitioner is neither the driver nor the owner of the truck, he is not an authority who has power to pass the truck, as per undertaking given he will be co-operating in the investigation and diligently appearing in the trial, this Court is inclined to extend him the privilege of anticipatory bail subject to the payment of Rs. 10,000/- to the Chief Minister's Relief Fund.

7. Let the petitioner, above named, be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Sonepur P.S. Case No. 354 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C as well as the following conditions:-

(i) one of the bailors 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark his 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 the 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 his bail bonds.

(Rajiv Roy, J)

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