

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62702 of 2024

Arising Out of PS. Case No.-369 Year-2023 Thana- DIGHWARA District- Saran

NAVIN KUMAR SON OF SUBH NARAIN ROY Resident of Village -
Chhatauni, P.S. - Tariyani, District - Sheohar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Kant, Advocate.

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 13-12-2024 Heard Mr. Shashi Kant, learned counsel appearing
on behalf of the petitioner and Mr. Ram Bilash Roy Raman,
learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Dighwara P.S. Case No. 369 of 2023 registered under
Sections 147, 148, 149, 307, 353, 386, 188, 332, 333, 427, 504,
506 & 120(B) of the Indian Penal Code and Sections 3/4 of the
Prevention of Damage of Public Property Act, 1984.

3. The FIR has been lodged as per the self-statement
of the Sub-Inspector of Police, P.S. Dighwara, District-Saran
that in course of inspection of vehicles, altogether 21 vehicles
were seized, which were over loaded with sand and the drivers
and other accused persons refused to show their identity and
papers relating to the transportation of sand from the Mines



Department and assaulted the police force, as well as, obstructed them from performing official duty.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is the owner of the truck bearing BR 06 GB 7007 which was found carrying sand without challan issued by the Mines Officer. The truck has been seized, but at the time of alleged seizure of the truck, the petitioner was not present at the place of occurrence. The truck was being driven by the driver who has been named in the FIR. Similarly situated co-accused namely Mukesh Kumar Singh who is the owner of another truck has been enlarged on bail by this Court vide order dated 14.08.2024 passed in Cr. Misc. No. 49015 of 2024. On these grounds, petitioner seeks to be released on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Considering the fact that the petitioner was not present at the place of alleged occurrence, as well as, the petitioner is not named in the FIR and the petitioner, being owner of the truck, has been named in the present case, I am of the opinion that the petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the



petitioner on anticipatory bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Additional Chief Judicial Magistrate, Saran / successor Court in connection with Dighwara P.S. Case No. 369 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para- 3 of the bail petition, this order will automatically lose its force.

(Purnendu Singh, J)

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