

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53309 of 2024

Arising Out of PS. Case No.-148 Year-2024 Thana- SANDESH District- Bhojpur

Niraj Kumar @ Neeraj Kumar @ N. Kumar, Son of Ravi Shankar Ray,
Resident of Village-Jaitpur, P.S.-Udwantnagar, District-Bhojpur (owner of
Swaraj Tractor, Engine No. 39.1355/SFF11419, Reg. No. BR03GB8182)
... .. Petitioner

Versus

The State of Bihar
... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate
For the Opposite Party/s : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-08-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and
apprehending his arrest in connection with Sandesh P.S.
Case No.148 of 2024 registered under Sections 379, 411,
414, 120-B of the Indian Penal Code and Sections 192 and
194 of the Motor Vehicle Act.

3. Allegation against the petitioner is to commit
theft of a tractor, which was found unregistered with Motor
Vehicle Department and was carrying the sand appearing out
of illegal mining.

4. It is submitted by learned counsel that in view
of Annexure-P/3, it is clear that petitioner was the owner of



the tractor and it was not stolen one. It is submitted that as this tractor was in use of agricultural activities, therefore, its registration number was not obtained initially, when it was seized by the police. It is submitted that the sand which was found carrying by the alleged tractor was for the personal use of petitioner and it can be said so, that till date no any proceeding was initiated by Mining Department. It is submitted that this is a case of false implication. The petitioner is an Engineer and implicated with present case only being the owner of the tractor. It is also submitted that seizure list appears doubtful being supported by police personnels only, who are none but the interested witness. While concluding argument, it is submitted that the petitioner is a man of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of the above-mentioned facts and circumstances and by taking note of fact as petitioner appears registered owner of the alleged tractor in view of Annexure-P/3, who is a man of clean antecedent, accordingly, the petitioner, above-named, is directed to be



released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur Ara in connection with Sandesh P.S. Case No.148 of 2024, subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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