

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54415 of 2024**

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

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Rama Shankar Yadav @ Rama Shankar Ray Son of Nand Kishore Yadav  
Resident of Village- Jaitpur, P.S. -Udwantnagar, District- Bhojpur (Driver of  
the Seized Tractor)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      06-09-2024                      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 uncle of 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 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 nephew of petitioner, who is also co-accused, appears registered owner of the alleged tractor in view of Annexure-P/3, coupled with fact that petitioner 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 Cr.P.C/Section 482(2) of BNSS.

**(Chandra Shekhar Jha, J)**

Neha/-

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