

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62027 of 2024

Arising Out of PS. Case No.-7 Year-2023 Thana- LAUKAHA District- Madhubani

Janak Yadav, Son of Late Dev Narayan Yadav, Resident of Ward no. 13,
Laukaha, P.S -Laukaha, Distt.-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Singh, Advocate.
Mr. Suresh Kumar, Advocate.
For the Opposite Party/s : Mr. Jagdhar Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-09-2024 Heard Mr. Rakesh Kumar Singh, learned counsel
along with Mr. Suresh Kumar, learned counsel appearing on
behalf of the petitioner and Mr. Jagdhar Prasad, learned APP for
the State.

2. The petitioner seeks pre-arrest bail in connection
with Laukaha P.S. Case No. 07 of 2023 registered for the
offence punishable under Sections 379, 411 and 353 of the
Indian Penal Code; Section 56(2) of the Bihar Mineral
Concession and Prevention of Illegal Mining Transportation and
Storage Rules, 2019 and Section 15 of the Environment
Protection Act.

3. As per the allegation made in the F.I.R., an
unregistered tractor bearing Engine No. 3102FLV04J977544F19



and Chassis No. KZYSH98113053 loaded with white sand was intercepted for not having any valid papers. It is further alleged that when the seized tractor was being taken to the police station, 15-20 persons forcibly took away the tractor. The petitioner was found at the time of the alleged incidence along with his motorcycle bearing Registration No. BR 32S1749.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is not connected with the alleged incidence in which admittedly 15-20 persons have forcibly took away the tractor from the officers of the mines department while it was being taken to the police station. The petitioner was found along with his motorcycle at the place of incidence and for the said reason he was roped in the present case without any material against him. Learned counsel submitted that the petitioner had gone to visit his crops and had parked his motorcycle. Learned counsel submitted that the petitioner is innocent.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and submitted that the petitioner has stated in Paragraph Nos. 8 and 10 that his motorcycle was standing nearby a farm land and had gone to see his crops, so complicity of the petitioner in the



alleged incidence cannot be denied.

6. Having considered the rival submissions made on behalf of the parties as well as the fact that the a seizure list was prepared in respect of the sand loaded on Sonalika tractor bearing Engine No. 3102FLV04J977544F19 and Chassis No. KZYSH98113053 and the petitioner has claimed that he is neither concerned with the said tractor nor with the accused persons rather he had gone to visit his farmland by his motorcycle, in such circumstances, if the alleged tractor is not found to be registered in the name of the petitioner, then the petitioner, above named, be released on pre-arrest bail, in the event of his arrest or surrender before the Court below 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 Sub-Divisional Judicial Magistrate, Jhanjharpur, Madhubani in connection with Laukaha P.S. Case No. 07 of 2023 , subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. 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.



8. The bail application stands disposed of.

(Purnendu Singh, J)

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