

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64640 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- Shahpur P.S. District- Nawada

1. Niwas Kumar Son of Batoran Singh Resident of Village Maharath, P.S.- Shahpur, District- Nawada
2. Mukesh Kumar Son of Batoran Singh Resident of Village Maharath, P.S.- Shahpur, District- Nawada
3. Vikas Kumar @ Prince Kumar Son of Batoran singh Resident of Village Maharath, P.S.- Shahpur, District- Nawada
4. Pramod Singh @ Google Singh Son of Batoran Singh Resident of Village Maharath, P.S.- Shahpur, District- Nawada
5. Gore Lal Singh @ Jay Kumar Son of Batoran Singh Resident of Village Maharath, P.S.- Shahpur, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shilpi Keshri, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-10-2024 Heard Mr. Shilpi Keshri, the learned counsel for the petitioners and Mr. Anuj Kumar Shrivastava, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Shahpur PS Case No. 35 of 2024, FIR dated 03.06.2024, registered for the offences punishable under Sections 147, 149, 307, 353, 323, 504, 506, 379 and 411 of the Indian Penal Code.

3. According to the prosecution case, after receiving



secret information that six tractors carrying illegal sand are parked at Rani Fuel Petrol Pump, the informant along with his team reached at the alleged place and found the said tractors and each tractor was carrying around 130 CFT of sand and as no challan was produced, all six tractors were seized.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that petitioner no. 5 is the owner of the tractor registration no. BR52G2409 mentioned at serial no. 4 of the seizure list and wife of petitioner no. 2 is the owner of tractor bearing registration no. BR27E3614 mentioned at serial no. 5 of the seizure list and petitioner no. 1 is the owner of tractor bearing registration no. BR52G3544. He further submits that petitioners were transporting the yellow sand after taking due authorization from the competent authority and after payment and receipt of challans, which suggests that the petitioners are genuine transporters of the sand in question and around 130 CFT of sand was loaded in all the tractors.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for



bail of the petitioners and submits that although petitioner nos. 2 to 5 have clean antecedent, but petitioner no. 1 has one criminal antecedent other than the present, but he also fairly admits that petitioner no. 1 is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioners are owners of the tractors in question and after paying requisite amount the petitioners were carrying the sand in question, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Nawada, where the case is pending in connection with **Shahpur PS Case No. 35 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall



be cancelled by the learned trial Court.

(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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