

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66810 of 2024

Arising Out of PS. Case No.-121 Year-2024 Thana- PAKARIBARAW District- Nawada

Md. Sarfaraz Alam @ Sarfaraz S/O Mustaq Alam Resident of Village- Pakri,
P.S. Partibarawan, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Mining Officer, Nawada, Distt.- Nawada. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manmohan Kumar
For the State	:	Mr. Shahabuddin Azeem @ S. Azeem
For Department of Mines:		Mr. Naresh Dixit
		Mr. Brij Bihari Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-10-2024 1. Heard learned counsel for the petitioner, the learned counsel appearing on behalf of the Department of Mines and learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 147,149,386,353,379 and 504 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 07.03.2024, when he along with the police force were on routine patrolling duty, when they received secret information that one tractor laden with illegal sand was



going to pass through the area, accordingly, the force reached near the spot and they saw a tractor laden with sand coming, which was stopped and relevant documents was asked for, when 10-12 accused persons came on 5-7 motorcycles and started scuffling with the police force and also abused them and before the back up force could come, the accused persons forcibly took away the seized tractor from the police custody. Further, on verification from local *Chaukidar*, the name of the petitioner transpired. It is next alleged that whenever any vehicle is apprehended carrying illegal sand, the accused persons reaches the spot and get the vehicle released forcefully by attacking the police party.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is also submitted that from the nature of allegation as alleged, it appears that petitioner indulges in such act frequently, but then, petitioner is a person with clean antecedent. It is also submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned



counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Mr. Pratik Sagar, the learned Judicial Magistrate, 1st Class, Nawada/ concerned Court in connection with Pakribarawan P. S. Case No.121 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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