

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72613 of 2024

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

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Kaushal Yadav @ Kaushal Kumar, Son of Mithlesh Prasad Resident of
Village- Shanti Nagar, P.S.- Kashichak, District- Nawada

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Man Mohan Kumar
For the Opposite Party/s :	Mr. Binod Kumar
For Department of Mines:	Mr. Naresh Dikshit

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-10-2024 1. Heard learned counsel for the petitioner, learned counsel for 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 has antecedent of one case 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 loaded 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 arrive, 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 at the behest of the *Chaukidar*. It is also submitted that petitioner is a resident of a close by area where the occurrence is alleged to have taken place, as such, he has been implicated since he carries an 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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