

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73397 of 2024

Arising Out of PS. Case No.-162 Year-2024 Thana- KOILWAR District- Bhojpur

Parm Jeet Sharma @ Paramjeet Sharma S/o Panchalal Sharma @ Panch Lal
Sharma R/o Village- Purana Haripur, P.S.- Koilwar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Advocate
For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 11-11-2024

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for bail apprehending his arrest in connection with Koilwar P.S. Case no.162 of 2024 registered for the offence punishable under sections 379 and 411 of the Indian Penal Code.

3. As per the prosecution case, the informant states that seeing the police personnel, the driver of the tractor along with trailer filled with sand abandoned the vehicle and managed to escape. The tractor and the trailer were taken in possession and the FIR registered.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case only for the reason that he happens to be the registered owner of the tractor and trailer. No incriminating article has been recovered from the



petitioner's possession and even as per the FIR, it was not the petitioner who was driving the vehicle. Referring to the order of the learned trial Court, it is submitted that Amar Kant Kumar is said to be driving the vehicle at the relevant time. Learned counsel further submits that accepting the allegations levelled in the FIR, as per Rule 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019, contravention of the said provision may lead to imprisonment for a term which may extend to two years or with fine which may extend upto Rs.5 lacs or both. Thus, it is submitted that imprisonment is not a mandatory punishment under the said provision. The petitioner has no criminal antecedent. It is finally submitted that no offence under sections 379 and 411 of the Indian Penal Code is made out against this petitioner.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner in the FIR, the petitioner not having been said to be the driver of the vehicle at the relevant time, the punishment prescribed under Rule 56 of the Rules and not having any



criminal antecedent, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Koilwar P.S. Case no.162 of 2024 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 at Ara.

(Partha Sarthy, J)

Saurabh/-

U		T	
---	--	---	--

