

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81878 of 2024

Arising Out of PS. Case No.-668 Year-2024 Thana- SONEPUR District- Saran

Santosh Kumar S/O Kameshwar Yadav R/O Village Rahimpur, P.S -Sonepur,
District- Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-12-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Sonepur P.S. Case No.668 of 2024, registered for the offences punishable under Sections 223, 303(2), 183, 317(2), 184 &185 of the Indian Penal Code.

3. The police on a secret information with regard to trafficking of illegal sand intercepted two trucks, however, on noticing the police party, two of the drivers succeeded in fleeing away; the other two drivers and one co-driver were arrested. The apprehended drivers disclosed the name of two persons. So far as the present petitioner is concerned against whom, it is alleged that he is the person, who was involved in facilitating the easy pass of the vehicles loaded with illegal sand.



4. Learned Advocate appearing on behalf of the petitioner contended that save and except disclosure made by the apprehended person, there is no material suggesting the complicity of the petitioner in the crime. In fact on account of past two criminal antecedent of identical nature, his name has been implicated. Moreover, so far as the Sonapur P.S. Case No. 461 of 2021 is concerned, in course of the enquiry, no complicity of the petitioner has been found and even the documents were found to be genuine. It is further contended that the petitioner is neither any concern with the truck in question nor with the illegal sand. Even if the allegation taken to be true for the sake of argument, no offence much less under the penal provision of the Indian Penal Code is made out.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioner bears two criminal antecedent and his name has been disclosed by the apprehended persons.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of the allegation and the fact that save and except the disclosure, there is no other material, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within



a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Sonapur P.S. Case No.668 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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