

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3724 of 2025

Arising Out of PS. Case No.-217 Year-2024 Thana- SURYAGARHA District- Lakhisarai

Nilam Devi W/o Prasant Kumar R/o Vill.- Isua,P.S- Sarmera, Dist.- Nalanda .
At present resident of mohalla- Sakaldeo Nagar, P.S- Barbigha, Dist-
Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP
For the Mines	:	Mr. Naresh Dixshit, Spl. PP Mine
		Mr. Utsav Anand, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

- 4 04-08-2025 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel appearing for the Mines
Department.
2. The petitioner apprehends his arrest in connection
with Suryagraha P.S. Case No.217 of 2024 registered under
Sections 318(4), 303(2) and 317(2) of the B.N.S.
3. The allegation in the first information report is that
the petitioner, who is the owner of a Truck had used the same
truck twice for transporting sand on the basis of a single
challan.
4. The learned counsel for the petitioner submits that
no doubt the petitioner is the owner of the vehicle and upon



checking of the vehicle the driver of the vehicle had produced the challan, which was a valid one. The petitioner was not present at the spot and the vehicle was being driven by the driver, who was also subsequently taken into custody. It has also been submitted that in case some irregularity has been committed, the same has not within the knowledge of this petitioner, who is a lady and the petitioner has no criminal antecedent.

5. Learned counsel for the Mines Department has, however, opposed the grant of anticipatory bail and by way of counter affidavit, has rather supported the allegations made against the present petitioner and has also stated that the department has no role to play once e-challan is generated and issued and the transportation is controlled by the timing of the e-challan.

6. Considering the rival contentions and also considering the fact that the petitioner is a lady and has no criminal antecedent, it is directed that the petitioner, above named, in the event of her arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Suryagraha P.S. Case No.217 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, Lakhisarai, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

7. However, it goes without saying that the petitioner would complete the formalities of fine etc. at the time of praying for release of the vehicle.

(Soni Shrivastava, J)

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