

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.46456 of 2025

Arising Out of PS. Case No.-943 Year-2022 Thana- DEHRI TOWN District- Rohtas

Sushil Kumar son of Kamta Prasad Singh Resident of Village -English Police Station -Barun District -Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh

For the Opposite Party/s : Mr. Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 30-07-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Dehri (Town) Police Station Case No. 943 of 2022, dated 12.12.2022, disclosing offences under Sections 379 and 202 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report on the basis of written report of Home Guard, namely, Ram Lal Mishra, along with other Home Guards, were deputed for security of seized vehicles of Dehri Town Police Station at Chitragupt Maidan. On 12.12.2020, at mid night, they heard sound of tractor starting, when the



informant raised alarm, two tractor started fleeing away. The informant, along with other guards, tried to chase them, however, both the tractors succeed in fleeing away. When informant returned and checked, he found that two tractors i.e. one Mahindra tractor, bearing Chassis No. MBHSFAEBAHNF03432 and second Sonalika tractor, bearing Chassis No. FZJSG7418265 were missing, which among the 18 seized tractors in Dehri Town Police Station Case No. 905 of 2022. The informant has further alleged that tractors' owner with the help of drivers have took away the said tractors.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to oblique motive. Petitioner is the owner of Mahindra tractor, bearing Chassis No. MBHSFAEBAHNF03432 and Registration No. BR26GA2885, which was allegedly seized for transporting illegal sand, for which, Dehri Town Police Station Case No. 905 of 2022, dated 29.11.2022, was lodged under Sections 379/411/34 of the Indian Penal Code, Sections 56(1)/56(2) of the Bihar Mineral Rules and Section 15 of the Environmental



Protection Act. The seized tractor was used to carry sand for petitioner's house construction which was purchased from authorized dealer. He next submits that he has been made accused in the present case due to non-fulfillment of illegal demand of the police. The allegation of stealing the tractor, in question, is false inasmuch as the tractor was in custody since 29.11.2022 and was stolen on 12.12.2022, in the midnight, and in the morning at 08:00 AM the FIR was lodged without any attempt to recover the vehicle.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the tractor, which was earlier seized in Dehri Town Police Station Case No. 905 of 2022 for having illegal sand, was stolen from custody of the police on 12.12.2022, petitioner has filed the application for anticipatory bail after a delay of about three years from the date of FIR and from perusal of the impugned order, it appears that during course of investigation the tractor, in question, has been recovered from outside the house of the petitioner, accordingly, I am not inclined to grant the petitioner privilege of



anticipatory bail.

6. This application is, accordingly, rejected

(Anil Kumar Sinha, J)

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