

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71466 of 2024

Arising Out of PS. Case No.-734 Year-2023 Thana- SONEPUR District- Saran

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Vijay Saini @ Vijay Sahni Son of Nageshwar Saini Resident of Village -
Saidpur, P.S. - Sonpur, District - Saran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Principal Secretary-cum-Mines Commissioner Mines and Geology
Department, Govt. of Bihar, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shekhar Harshvardhan

For the Opposite Party/s : Mr.Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner and learned

A.P.P. for the State as well as learned counsel appearing for

opposite party no. 2.

2. The petitioner is apprehending his arrest in

connection with Sonpur P.S. Case No. 734 of 2023 registered for

the offences punishable under Sections 188, 379, 411 of the

Indian Penal Code, 4/11 of M.M.D.R. Act and 11/56 of Bihar

Illegal Mining and Transportation Act.

3. As per prosecution case, after receiving the order

of District Magistrate and Superintendent of Police, informant

alongwith S.D.O., Sonpur, Police Inspector, Sadar and S.H.O.,

Sonpur stopped and inspected two (six wheeler and twelve



wheeler) over loaded trucks under Illegal Mining, Transportation and Storage. It is alleged that both trucks were found over loaded and drivers of said trucks were apprehended on the spot. Further, apprehended driver of the said twelve wheeler truck, namely, co-accused Radha Kumar disclosed that *challan* was illegally produced to him by the petitioner.

4. Learned counsel for the petitioner submits that petitioner is neither owner nor driver of any of the seized vehicles in question. He further submits that the name of the present petitioner has been surfaced in this case upon the disclosure of the apprehended co-accused Radha Kumar. Except his disclosure, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that petitioner is not a *challan* issuing authority. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. He was not found at the place of occurrence. In the light of the facts and circumstances of the case where special cases are instituted and no offence of IPC is made out against the petitioner.

5. The learned A.P.P. for the State as well as learned counsel appearing for opposite party no. 2 opposed the



prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Saran at Chapra in connection with Sonpur P.S. Case No. 734 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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