

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12892 of 2015

Arising out of PS.Case No. -82 Year- 2011 Thana -SULTANGANJ District- BHAGALPUR

Amit Kumar Gupta, son of Sri Binay Gupta, resident of Village- Nauagarhi,
P.s.- Mufassil, District- Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Naresh Dass, Advocate.

For the Opposite Party : Mr. Amitesh Kumar(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-09-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Sultanganj P.S. Case No. 82 of 2011 for the offences
instituted under Sections 379, 420, 120(B) of the IPC, 40(4) of the
B.M.C. Rule, 1972, 33,41 and 42 of the Indian Forest Act.

The prosecution story, in brief, is that on information that
white (silica) stone is being illegally loaded on truck and it is
taken to Tata Nagar, the police raided on 03.05.2011 and caught
two trucks loaded with white(silica) stone. The police enquired
about the papers but the drivers do not show the papers. On
suspicion the truck was taken to Sultanganj Police Station. The
F.I.R. has been loaded against the owner of the trucks and others

who were involved in smuggling of white(silica) stone.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is further submitted that the petitioner is not named in the F.I.R. From perusal of the order sheet of the learned Sessions Judge, it appears that the trucks which were apprehended and in which the goods were loaded was in the name of this petitioner and on the basis of that he has been made accused in the present case and except for that there is no other material to suggest direct or indirect involvement of the petitioner in the present case.

On behalf of the State it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of four weeks from today in connection with Sultanganj P.S. Case No. 82/2011 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhagalpur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is further directed that during the pendency of

investigation, the petitioner shall co-operate in course of investigation.

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(Sudhir Singh, J)

