

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23174 of 2017

Arising Out of PS.Case No. -11 Year- 2017 Thana -DHARHARA District- MUNGER

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1. Sushant Singh @ Sushant Kumar Singh, Son of Balram Singh, Resident of Village- Mohanpur, P.S. Dharhara, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

5 31-08-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Dharhara P.S. Case No. 11 of 2017 registered under Sections 379, 411/34 of the Indian Penal Code and Sections 26, 33, 41, 42 of the Forest Act, Sections 24, 32, 38 of Wild Life Animal Protection Act and Section 4/7 of Bihar Mineral Preservation Act of Illegal Mining Rules, 1972.

The accusation is that the informant, Station Head Officer, Dharhara Police Station, on secret information, came to know that Sushant Singh (Petitioner) of village Mohanpur is engaged in illegal excavating of the stone chips, then he made a close vigil on road and when a chips loaded tractor was coming, police force tried to stop the same but the driver, taking advantage of darkness, succeeded in fled away with the chips loaded tractor but in the light of torch the petitioner was identified.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case only on suspicion. He was not apprehended by the police. Petitioner is the government teacher, posted at Primary School, Sundar Tand. Moreover, the petitioner is neither the owner nor the driver of the tractor.

Having considered the facts and circumstances of the case and the nature of allegation and it also appears that earlier petitioner was also an accused in similar nature of the case, hence I am not inclined to grant pre-arrest bail to the petitioner and accordingly, such prayer stands rejected in connection with Dharhara P.S. Case No. 11 of 2017 pending in the court of learned Additional Chief Judicial Magistrate-II, Munger.

However, considering the facts and circumstances as detailed in the present application, let the petitioner surrender in the court below and the court below shall consider the case of the petitioner on its own merit and may grant regular bail without being prejudiced by this order.

(Rajendra Kumar Mishra, J)

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