

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30994 of 2018

Arising Out of PS.Case No. -15 Year- 2018 Thana -MOHAMMADPUR District- GOPALGANJ

=====

1. Oshiher Rai @ Ovihar @ Oshihar Prasad Yadav S/o Suraj Rai @ Suraj Rai @ Surya Prasad Yadav, R/o Vill.- Kushahar, P.S.- Mohammadpur, Distt.- Gopalganj.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mira Kumari, Adv.

For the Opposite Party/s : Mr. Smt. Anita Kumari Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 05-06-2018 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Mohammadpur Police Station Case No. 15 of 2018, disclosing offences under Sections 379 and 420 of the Indian Penal Code, 4/40 of the Bihar Minor Confession Rule 1972, 4/40 Bihar Minerals Prevention of Illegal Mining Transportation and Storage Rule, 2003 and 3/4/8 Environment Protection Act.

Learned counsel for the petitioner has submitted that the petitioner, who is of clean antecedent, is innocent and has not committed any offence. In fact, the petitioner happens to be owner and driver of the alleged Truck and no sand was loaded on that very truck. Although there is allegation that ten truck s



were engaged in transporting of the illegal sand but only one vehicle has been seized which is evident from seizure list. Hence, the petitioner deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1, Gopalganj, in connection with Mohammadpur Police Station Case No. 15 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

brajesh/-

U		T	
---	--	---	--

