

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7802 of 2018

Arising Out of PS.Case No. -520 Year- 2017 Thana -BIHTA District- PATNA

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Pankaj Kumar, S/o Harendra Rai, R/o Vill- Saurmarwa, P.S.- Maner, Distt- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha
Mr. Shashi Bhushan Singh

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 17-02-2018 Heard the learned counsel for the petitioner as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Bihta P.S. Case No. 520 of 2017 for the offences punishable under sections 147, 148, 149, 406, 379 and 120 (B) of the I.P.C, section 4/21 of the MMDR Act, section 4/40 of the Bihar Mines Minerals Concession Rule 1972 and section 8 of the Bihar Minerals and Prevention of Illegal Mining Transportation Rule, 2003.

The officials of the Mining Department got information about the illegal mining of sand and on such informant the informant and others went to the place of occurrence and seized 29 Pokelan Machines and also arrested six Pokelan drivers.



Submission is of false implication and that the petitioner did not own any Pokelan machine seized from the place of occurrence, the petitioner is not named in the FIR, his name has been disclosed by co-accused Surendra Yadav before police which has got no evidentiary value in the eye of law, several other co-accused, namely, Gyani Roy, Anil Kumar, Tauquir Ahmed, Niranjan Kumar and others have already been granted anticipatory bail by different Benches of this Court and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. fairly submits that several other co-accused have been allowed pre-arrest bail.

In the facts and circumstances stated above, the petitioner, in case of his arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, shall 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 A.C.J.M, Danapur, Patna in connection with the aforementioned case, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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