

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2842 of 2019

Arising Out of PS. Case No.-17 Year-2017 Thana- BARUN District- Buxar

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Birendra Kumar Pandey(Male), aged about 60 years, S/O Late Bihari Pandey,
R/o Village- Kachaniya, P.S. Kuran Saray, District-Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Vijay Kumar, Advocate.

For the Opposite Party : Mr.Dr. Indiwari Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-01-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 420, 379, 411, 120(B) of the Indian Penal Code, 3, 4, 5 of the Bihar Mines and Mineral Act, 33, 41 and 42 of the Forest Act.

The prosecution story, in brief, is that on 24.01.2017, the informant was tipped off that stone chips were illegally trafficked from *Karwandi* to Aurangabad. Accordingly, the informant detained three Trucks bearing Nos. UP 61H 5059, BR 01G 1769 and NL 02L2084. Meanwhile, four persons in a Scorpio, arrived there due to which, driver of the Truck No. NL 02L 2084 fled away. Two drivers who were arrested disclosed their names as Vijay Singh and Sugriv Singh.



Accordingly, loaded Trucks were seized.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. Three Trucks of stone chips were said to have been seized by the police. On the same place, a *Scorpio* vehicle of this petitioner was also parked. The petitioner has no concern with the said stone chips which were loaded on the Trucks in question. Except for this, there is no other substantive evidence to suggest the implication of this petitioner in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Aurangabad, in connection with Barun P.S. Case No. 17 of 2017/G.R. No. 175/2017, subject to the conditions as laid down



under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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