

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 42940 of 2019**

Arising Out of PS. Case No.-1126 Year-2018 Thana- SONEPUR District- Saran

NAND KUMAR OJHA, aged about 80 years, Gender : Male, Son of Late Sheo Kumar Ojha, Resident of Village - Murthan, P.S. - Sonapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagendra Rai

For the Opposite Party/s : Ms.Pronoti Singh

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 20-11-2019 Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner apprehends arrest in a case registered under Sections 188, 379, 420/34 of Indian Penal Code, Section 40 of BNNC Rules, 1972 and Sections 3/8 of BPIMTS Act, 2003 and Section 15, Environment Protection Act, 1986.

The case has been instituted since some sand was found illegally stored for selling. In this respect, petitioner, along with 10 other persons, has been named. It is submitted by the petitioner's counsel that the petitioner is an old man aged about 80 years and has falsely been implicated in this case. He was not arrested at the time of recovery of the alleged sand and that he is of clean antecedent. It is further submitted that the



petitioner has already appeared before the Authorities in response to the notice. It is also submitted that there is nothing on record to link the petitioner with the alleged recovery of sand.

The learned APP for the State has opposed the prayer.

Considering the rival submissions, this Court is inclined to allow prayer for anticipatory bail of the petitioner.

Let the petitioner above named, in the event of his arrest or surrender within four weeks from today, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saran at Chapra in Sonapur Police Station Case No 1126 of 2018 subject to the conditions as laid down in Section 438 (2) of Criminal Procedure Code and also the following conditions:

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his



bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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