

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38624 of 2019

Arising Out of PS. Case No.-32 Year-2019 Thana- SANHAULA District- Bhagalpur

Manish Paswan, aged about 22 years (M) son of Suresh Paswan resident of village- Bora, P.S.- Amdanda, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Indeshwari Prasad Mandal, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 15-07-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 379 and 411 of the Indian Penal Code, Rules 4/40 of the B.M.M.C. Rule 1972, Rule 8 of Bihar Prevention of Illegal Mining, Transportation and Storage Rule, 2003 and Section 15 of the Environment Protection Act registered in connection with Sanhoulla P.S. Case No. 32 of 2019.

3. It is submitted that the petitioner has been falsely implicated and even according to the seizure list forming part of the FIR, no sand has been found loaded on the seized tractor and trailer. It is therefore submitted that the accusation made in the FIR is not corroborated from the seizure list. The petitioner has been implicated merely because he happens to be the owner of tractor and trailer and as such the offences are not made out against the petitioner, who claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be



released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Sanhoulla P.S. Case No. 32 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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