

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50752 of 2019

Arising Out of PS. Case No.-203 Year-2019 Thana- PARSA District- Saran

SANJEEV KUMAR Son of Rama Singh @ Ramanand Singh @ Ramanuj
Singh Resident of Village - Sumar Chapra, P.S.- Parsa, District- Saran, Chapra

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh

For the Opposite Party/s : Ms.Rita Verma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-08-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Parsa Police Station Case No. 203 of 2019, disclosing offences under Sections 379/34 of the Indian Penal Code, Section 21 and 40 (1) of the Mines and Minerals (Development and Regulation) Act, 1957.

The allegation against the petitioner, as per the First Information Report, is that on 21.06.2019, earth was being dug from a tractor/J.C.B., and on seeing the police, the drivers of the vehicles fled away with their vehicles and after enquiry, it came to light that the same was being lifted by the petitioner, who is the owner of the brick-kiln, for preparing bricks.

Learned Counsel for the petitioner submits that the



petitioner has falsely been implicated in this case only due to the fact that he is the owner of the brick-kiln and he did not oblige the Circle officer by supplying him free bricks. He further submits that it is highly improbable that the tractor and the J.C.B. will run faster than the police jeep or any other vehicle and as such, the allegation that the driver of the tractor and the J.C.B. fled away along with the earth kept upon the vehicles is not correct. He accordingly submits that the prosecution launched against the petitioner is absolutely malafide.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner is not the owner of the tractor or the J.C.B. and he is only the owner of the brick-kiln, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Sanjeev Kumar, in the event of his arrest or surrender before the Court below within four 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 2nd Additional Chief Judicial Magistrate, Saran, at Chapra, in connection with Parsa Police Station Case No. 203 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.



This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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