

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71639 of 2019

Arising Out of PS. Case No.-141 Year-2019 Thana- PUPRI District- Sitamarhi

Shailendra Kumar Jha @ Shailendra Jha, son of Late Ishwarchandra Jha
Resident of Village- Rampur, Tota- Shambhuta, P.S.- Aurai, District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Murari Narain Chaudhary
For the Opposite Party/s : Mr.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with Pupri
P.S. Case No.141 of 2019, G.R. No.431 of 2019, for the offences
punishable under Sections 188, 379, 411/34 of the Indian Penal
Code, Section 4/40 of the B.M.C. Act, 1972 and Section 4, 21 of
M.M.D.R. Act, 1957 and Section 3, 8(a) of the P.P.I.M.T.S. Act,
2003.

The allegation against the petitioner is that J.C.B. owned
by the petitioner along with three tractors were indulged in illegal
mining of sand near Budhnad river.

Learned counsel appearing for the petitioner submits that
the petitioner has not committed any offence in the manner alleged.
Learned counsel further submits that petitioner had given the J.C.B.
on hire to one contractor and and he has been implicated in this



case merely on the basis of the fact that he happens to be the owner of the J.C.B., in question. Learned counsel further submits that from perusal of the First Information Report, no offence under Section 379 and 411 of I.P.C. are made out.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that the petitioner is the owner of the J.C.B. and the same was given on hire to one contractor, Sanjeev Kumar, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Pupri, Distt-Sitamarhi, in connection with Pupri P.S. Case No.141 of 2019, G.R. No.431 of 2019, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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