

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82424 of 2019

Arising Out of PS. Case No.-148 Year-2019 Thana- DHURAIYA District- Banka

MD. JAMIL UDDIN, aged about 43 years (Male), Son of Md. Najir Uddin,
Resident of Village - Imampur, P.S.- Habibpur, Distt.- Bhagalpur.

... .. Petitioner

Versus

1. The State Of Bihar.
2. The Assistant Director, Mines and Geology Department, Banka. Bihar

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr.Ajay Mukherjee, Advocate.
For the State	:	Mrs. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-12-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 379/411 of the IPC, 40 of BMMC Rule 1972 and 15 of Environmental Protection Act, 1986.

The prosecution story, in brief, is that on 15.08.2019, the informant S.H.O., Dhoraiya was in busy in his duty at P.S. and at about 10.40 A.M., he has got a secret information that one Hiwa vehicle after loading illegal sand was plying rash and negligent driving due to which the said Hiwa pit in a ditch of road near *Maweshi Hat Dhoraiya* near Puliya and one J.C.B. is trying to remove from the said narrow ditch, who is also used to



lifting the sand in illegal way and on that information, the informant and other constables arrived there and saw that the driver of Hiwa vehicle jumped from the Hiwa and fled away after leaving the vehicle and also the driver of the J.C.B. was trying to flee away but he was chased, who disclosed his name as Md. Ummar and he also disclosed that after seeing that police, he was fleeing due to the loaded sand upon Hiwa is of stealing and in illegal way and he has also disclosed the name of the owner of the J.C.B. vehicle. Accordingly, seizure list was prepared of both vehicle and the case is registered against the owner of the vehicles Hiwa and the J.C.B. The seizure list is also available on the record.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is the owner-cum-driver of the vehicle in question. Sand was loaded on the said vehicle. Neither the sand in question is stolen property nor the same has been obtained by way of illegal mining.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.



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 J.M. Ist Class, Banka, in connection with Dhoraiya P.S. Case No. 148 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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