

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82172 of 2019

Arising Out of PS. Case No.-186 Year-2019 Thana- DHURAIYA District- Banka

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Gaurav Kumar S/o Nirmal Paswan R/o village- Purab Tola, P.S.- Kahalgaon,
District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar, through the Principle Secretary, Bihar Mines and Mineral, Department Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in **Dhoraiya P.S.**
Case No. 186 of 2019, registered for the offences punishable
under Sections 379, 411 of the Indian Penal Code and section 40
of BMMC Rules, 1972 and section 21 of MMDR Act, 1957,
Section 15 of Forest Environment (Protection) Act, 1986.

Prosecution case is that on 27.09.2019, the informant
saw two mini Hyva vehicles loaded with sand coming from
opposite side. The informant stopped the vehicles and demanded
papers regarding the loaded sand, but the drivers of the said
vehicles could not produce any paper.



It is submitted by learned counsel appearing on behalf of petitioner that petitioner has falsely been implicated in this case simply on the ground that petitioner is owner of one of the said vehicles bearing registration no. BR 10GB-3008. In fact, petitioner has purchased mineral loaded on the alleged vehicle from Mahadev Enclave and obtained valid challan, which was shown to the informant, but it was torn by a staff of the concerned department saying that the same was bogus and fake. It is further submitted that the petitioner had already deposited cash of Rs. 27,426/- vide letter no. 1983 dated 3.12.2019, against the loss caused by him. Petitioner has got no criminal antecedent.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Judicial Magistrate Ist Class, Banka** in connection with **Dhoraiya P.S. Case No. 186 of 2019**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-



(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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