

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8401 of 2020

Arising Out of PS. Case No.-286 Year-2015 Thana- DEHRI TOWN District- Rohtas

NAGENDRA SINGH Son of Janeshwar Singh Resident of Village - Gopi Bigha, P.S.- Dehri, Distt - Rohtas, Proprietor of M/S Bolbam Stone Works, Stone Storage Licence No 24/2003

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The District Mining Officer, Rohtas at Sasaram.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 23-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned A.P.P. appearing for the State.

The petitioner apprehends his arrest in connection with Dehri Town P.S. Case No. 286 of 2016 for the offence punishable under Sections 33, 41, 42 of the Indian Forest Act and 40(1) of Bihar Mining Act and Pollution Prevention Act.

The case of the prosecution in brief is that the proprietor of M/s Bolbam Motors, Jamuhar, District Rohtas



namely Nagendra Singh i.e. the petitioner herein, is alleged to have stored stones illegally without valid licence, hence engaged in violation of the Pollution Prevention Act.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the petitioner is a bona fide lease holder, he has transported the stones on a valid challan and since the father of the petitioner had earlier lodged a complaint case No. 567 of 2014 against the informant, the present case has been lodged against the petitioner malafidely.

Per contra, the learned Additional Public Prosecutor appearing for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the materials available on record as also taking into account the facts stated in the impugned order dated 21.12.2019, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioners above-named, is directed to be enlarged on



anticipatory bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Dehri, District Rohtas in connection with Dehri Town P.S. Case No. 286 of 2015, subject to the condition as laid down under Section 438(2) Cr. P. C.

(Mohit Kumar Shah, J)

Tiwary/-

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