

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17257 of 2020**

Arising Out of PS. Case No.-8 Year-2012 Thana- SONBERSA District- Sitamarhi

PRAMOD MAHTO S/o Late Ram Janki Mahto R/o village- Bharsar, Ward
No. 6, P.S.- Kanhauli, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 02-09-2020 Heard learned counsel for the petitioner and Mr.
Sanjay Kumar, learned APP for the State.

Petitioner in the present case is seeking pre-arrest bail
in connection with Sonbarsa P.S. Case No.08/2012 registered
for the offence punishable under Sections 406 and 420 of the
Indian Penal Code and Section 40 of the Bihar Mines and
Minerals Act, 1973.

Learned counsel for the petitioner submits that it is a
case of false implication. He has also placed before this Court
the materials showing that he had applied for consent order from
the Bihar State Pollution Board with the requisite amount of fee.
Learned counsel has submitted that earlier in course of
investigation the petitioner has cooperated with the investigating



officer and he was not arrested rather he was released on bond executed by the petitioner which fact has come in paragraph '64' of the case diary. In these circumstances, learned counsel prays for grant of pre-arrest bail.

On the other hand, learned APP for the State has opposed the prayer for pre-arrest bail of the petitioner. It is submitted that in this case investigation is complete and after that charge-sheet has been filed in the year, 2012 and the matter is pending for appearance of the petitioner. It is pointed out that if the petitioner has cooperated with the investigation and was earlier released on bond, he may appear before the learned court below and the same may be brought to the notice of the court.

Having regard to the facts and circumstances of the case and upon taking note of the fact that the petitioner was earlier granted benefit of release on bond in terms of Section 169 Cr.P.C., but the petitioner has failed to appear in the court below thereafter even after submission of charge-sheet, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

This would however not prejudice the case of the petitioner and in case he appears before the learned court below within four weeks from today, the court below shall, while



considering his prayer for regular bail, take into consideration the fact that during investigation petitioner had cooperated and he was released on bond, thus the same may be one of the important factors to be considered by the learned court below.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

