

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18743 of 2020**

Arising Out of PS. Case No.-327 Year-2019 Thana- SURYAGARHA District- Lakhisarai

SURENDRA MANDAL Son of Tilo Mandal Resident of Village- Ramasir,
P.S.- Lakhisarai, District- Lakhisarai.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan, Adv.

For the Opposite Party/s : Mr.Anish Chandra, APP

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

2 09-09-2020 Heard learned counsel for the petitioner and Mr. Anish Chandra, learned APP for the State.

Petitioner, in the present case, is seeking pre-arrest bail in connection with Suryagarha P.S. Case No.327/2019 registered for the offence under Sections 379 and 411/34 of the Indian Penal Code, Sections 26, 33, 41, 42 and 52 of the Indian Forest Act, 1927 and Sections 17(A), 27, 29 and 32 of the Wild Life Protection Act, 1972.

Learned counsel for the petitioner submits that the petitioner is the owner of the tractor which was intercepted by the patrolling party during night hour and from which the stone-chips were seized. Learned counsel submits that although the allegation is that tractor was not having any registration number, but there is no denial that tractor was having engine number and chassis number and, therefore, the petitioner deserves privilege of anticipatory bail.

On the other hand, learned APP for the State has opposed



the prayer for anticipatory bail of the petitioner. It is submitted that the petitioner is the owner of the vehicle and it is an admitted position that he had not obtained registration number of the tractor and further he was involved in carrying illegally quarried stone-chips which are there and this Court cannot be oblivious of the submission that this illegally quarrying is going on in the area causing huge loss to the nation as a whole. It is further submitted that the petitioner has got criminal antecedent as well as stated in paragraph '3' of the bail application, therefore, in the given facts and circumstances of the case the petitioner does not deserve privilege of anticipatory bail.

Having regard to the facts and circumstances of the case, this Court agrees with the submissions of learned APP for the State. The prayer for anticipatory bail is thus refused.

In case, the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

(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'.

