

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17831 of 2020

Arising Out of PS. Case No.-9 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

Swami Sharan Das Son of Krishnadeo Prasad Singh Resident of Village-
Tahsur Chandpur, P.S.- Jagdishpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Manoj Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 15-12-2020 Heard learned counsel for the petitioner and

learned APP for the State through video conferencing.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Jagdishpur P.S. Case No.9 of 2020 registered under sections 411, 279, 427 and 379 of the Indian Penal Code, Rule 40 of the BMMC Rules, 1972 and sections 6 and 8 of the Bihar Illegal Mining Transportation Act, 2003.

As per allegation in the F.I.R., information was received that a tractor and a trailer loaded with illegally mined sand had met with an accident. It is stated that on reaching their no person was to be found nor any document was produced. As such the tractor and trailer along with the sand was seized.

It is submitted by learned counsel for the petitioner that the allegation as narrated in the F.I.R. are false and concocted.



The petitioner has been falsely implicated in the case only for the reason that he happens to be the registered owner of the tractor and trailer. At no point of time, has he ever been involved in illegal mining of sand and he has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner together with the fact that the petitioner was neither arrested at the spot nor does he have any criminal antecedent, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Jagdishpur P.S. Case No.9 of 2020, he will be enlarged on bail on furnishing bail bond of Rs 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur, subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

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