

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23209 of 2020

Arising Out of PS. Case No.-46 Year-2020 Thana- NARPATGANJ District- Araria

1. WARIK @ MD. BARIK @ BARIK S/O Sheikh Wazul Resident of Village - Rewahi, Ward No. 5, P.S. Narpatganj, District - Araria.
2. Md. Farooque S/O- Sheikh Wazul Resident of Village - Rewahi, Ward No. 5, P.S. Narpatganj, District - Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha, Advocate
For the Opposite Party/s : Smt. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-10-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 379/34 of I.P.C., Section 56 of Bihar Mineral (Prevention of Illegal Mining Transporting and Storage)



Act and Section 15 of Environment (Protection) Act.

Allegation is that petitioners without having any lawful authority or permission have committed theft of minerals by digging 7 ditches of 15 feet deep.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioners have been made accused due to mistake of fact. The soil of field belonging to the petitioner was being dug out and for the said reason the present case has been instituted. After investigation the police has submitted final form. The case has been found to be false by the Investigating Officer. Said final form is still pending before the court below.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria in



connection with Narpatganj P.S. case No.46 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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