

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24051 of 2020

Arising Out of PS. Case No.-47 Year-2020 Thana- DHURAIYA District- Banka

1. SAROJ SINGH S/o Chandra Mauleshwar Singh Resident of Village- Trimuhan, P.S.- Ekchari, Distt- Bhagalpur.
2. Rajesh Kumar Malakar Son of Vidyanand Malakar Resident of Village and P.S.- Sanokhar, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Mr. Laxmikant Sharma

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-10-2020 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 petitioners and Shri Laxmikant Sharma, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Dhoraiya P.S. Case No. 47 of 2020 for the offence registered under Sections 379 and 411 of the Indian Penal Code, Section 56 of BM (CPIMTS) Act, 2019, Section 21 of MMDR Act, 1967 and Section 15 of Environment Protection Act, 1986.

The allegation is regarding two trucks having been



nabbed on the alleged date and time of occurrence on which illegal sand was loaded and as far as petitioner no. 1 is concerned, he is stated to be the owner of both the trucks while the petitioner no. 2 is driver of one of the truck.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and are having clean antecedent. It is further submitted, by referring to Annexure-2 series to the present petition, that as far as the truck bearing Registration No. BR25A-2945 is concerned, 450 CFT sand was loaded on the truck from Sambalpur Ghat vide valid challan and invoices, as annexed, hence it cannot be said that the said sand loaded on the truck was being ferried illegally. Nonetheless, it is submitted that the petitioners are ready to deposit the amount of loss caused to the State Government.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that the petitioners are having a clean antecedent and are ready to deposit the amount of loss caused to the State Government on



account of illegal ferrying of sand, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Banka in connection with Dhoraiya P.S. Case No. 47 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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