

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16349 of 2021

Arising Out of PS. Case No.-81 Year-2020 Thana- LAUKAHA District- Madhubani

RAJESHWAR RAM @ RAJESHWAR RAM Son of Dukhi Ram Resident of
Village - Lalminiya, P.s.- Lalminiya, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Adv.

For the Opposite Party/s : Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking to remove the defects as pointed out by the office when called upon to do so by the office.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Laukaha (Lalminiya) P.S. Case no. 81 of 2020 instituted for the offence under Section 414 of the Indian Penal Code and Section 56(i) of Bihar Mineral (Concession Prevention of Legal Mining Transportation and storage) Rules, 2109 and Section 15 of the Environment protection Act, 1986.

The allegation is regarding a tractor loaded with white sand, which seemed to be illegally mined, was apprehended and



seized by the Mines Inspector.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. It is further submitted that though the petitioner has not been named in the FIR. He is not the owner of the alleged tractor. It is further submitted that in the area in question i.e. Laukaha Police Station, there is no sand for mining and in fact the soil of the area is whitish in colour, hence the petitioner is having no complicity in the matter, inasmuch as he has not engaged in illegal mining of sand. Similarly situated co-accused Vishwanath Amiri has already been granted bail vide order dated 18.12.2020 passed in Cr. Misc. No. 28766 of 2020.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Laukaha (Lalminiya) P.S. Case no. 81 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 learned Judicial Magistrate,
1st Class, Jhanjharpur, Madhubani subject to the conditions as
laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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