

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33491 of 2021**

Arising Out of PS. Case No.-413 Year-2019 Thana- AMARPUR District- Banka

PRAMOD KUMAR RAY Son of Ram Ray Mandal Resident of village -  
Sadpur, P.S.- Amarpur, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar through the Secretary, Department of Bihar Mines and  
Mineral, Bihar, Patna. Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar  
For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      08-10-2021                      Heard learned counsel for the petitioner and the State  
through virtual mode.

Learned counsel for the petitioner is directed to  
remove the defect(s), as pointed out by the office, within a  
period of eight weeks.

Learned counsel for the petitioner is directed to make  
necessary correction in the spelling of name of police station in  
the prayer portion of the petition.

The petitioner is apprehending his arrest in a case  
registered under Section 379/411 of the Indian Penal Code,  
Section-4/4 of BMMC Rule and Sections-3, 6 & 8 of BMMC  
Rule 2003.

Allegedly, 900 CFT sand was illegally excavated and



stored.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. The petitioner has been made accused in the present case due to mistake of fact. The allegation is that the illegal mining of sand was being carried out. At the site of place of occurrence, the motorcycle of the petitioner was found parked and for the said reason, he has been made accused in the present case. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. The other co-accused with similar allegation has been granted anticipatory bail by a coordinate bench of this court vide order dated 05-03-2020 passed in Cr. Misc. No. 4344 of 2020.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with



two sureties of the like amount to the satisfaction of learned  
Chief Judicial Magistrate, Banka in connection with Amarpur  
P.S. Case No. 413 of 2019 subject to the conditions as laid  
down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

A.K.V.//-

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