

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35832 of 2020

Arising Out of PS. Case No.-171 Year-2018 Thana- POTHIA District- Kishanganj

Mukhia Ashok Ram, Dubanochi Panchayat @ Mukhia Ashok Ram @ Ashok Ram, (M) aged about 37 years, S/o Bihari Ray @ Bihari Ram, Resident of Village-Dangapara, Ward No.01, P.S.-Pothia, District-Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 23-03-2021 Heard both sides.

The petitioner apprehends his arrest in Pothia P.S. Case No.171 of 2018, registered under Sections 279, 353, 379, 411 and 34 of the Indian Penal Code, under Rule 40(8) of Bihar Minor Mineral concession Rules, under Rule 4 of Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003 and under Section 15 of the Environment (Protection) Act.

The informant alleged that somebody had kept sand without permit at a place and when the informant went there, two tractors were found parked there but the tractor drivers fled away with the tractors. It is alleged that at the instance of the petitioner, sand was stored and the drivers of the tractors fled



away on the order of the petitioner.

Learned counsel for the petitioner submits that there is no material to show that the petitioner had stocked sand and asked the tractor drivers to flee away.

Taking into consideration the facts and nature of allegation made against the petitioner and the fact that there is no material to show that the petitioner had stocked sand on that place, petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, 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 A.C.J.M.-1st at Kishanganj in connection with Pothia P.S. Case No.171 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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