

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32081 of 2020

Arising Out of PS. Case No.-123 Year-2020 Thana- PATORI District- Samastipur

Indal Mahto @ Indra Kumar Mahto S/o Bisheshwar Mahto Resident of
Village- Sarari, P.S.- Patori, Dist- Samastipur Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate

For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 20-02-2021 As prayed for, let the learned counsel for the petitioner
remove the defect(s), as pointed out by the Stamp Reporter within
four weeks of starting of the Court proceeding in physical mode.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with
Patori P.S. Case No. 123 of 2020 registered under Sections 188,
379/34 of the Indian Penal Code, section 40 of Bihar Mining and
Mineral Rule and section 15 of Environment Protection Act, 1986.

Accusation is that in course of petrolling duty, information
was received to the informant and other police personnel about
illegal sand business by Indal Mahto (petitioner) for carrying sand on
tractor which was being driven by his driver Sonu Kumar at Pathar
ghat Chowk. Thereafter, informant reached there and saw red



coloured tractor with white sand loaded on it. Seeing the police, tractor driver fled away leaving the tractor and trolley. 200 CFT sand was found loaded on the said tractor.

Submission is that petitioner is the owner of the seized tractor which was being driven by the driver and the petitioner had no knowledge that the driver had loaded sand on the trolley. Further submission is that while petitioner is accused in Patori P.S. Case no. 224 of 2016 but he is on bail in that case.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/ arrest, within a period of four weeks from today, in connection with Patori P.S. Case No. 123 of 2020 be released on bail on furnishing bail bonds of Rs 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Sub Judge V-cum- ACJM II, Samastipur or the Successor Court subject to the condition as laid down under section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

s.hassan/-

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