

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32706 of 2020

Arising Out of PS. Case No.-77 Year-2020 Thana- BANKA District- Banka

RAJA CHOUDHARY @ RAJA SINGH Son of Chhote Lal Choudhary
Resident of Village Ishak Chak, Jagdishpur, Police Station - Jagdishpur,
District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-02-2021 Learned counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered under Section 379/411 of the Indian Penal Code, 4 of BMPBS Rule Amended, 2014 Section 4/40 of BMMC Rule, 1972 and Section 15 of Forest Environment Act, 1986.

Prosecution case as per FIR, is that on 28-01-2020 at about 21:45 hours, during Inspection, the informant along with other police personnel arrived at Shankarpur More and obstructed a truck bearing Reg. No. BR10GA 9340, which driver had been



fled away on seeing the police personnel. It is further alleged that no one came to produce the challan regarding the loaded sand on the aforesaid vehicle. Thereafter, the informant seized the aforesaid truck and accordingly, lodged the present case against the owner and the driver of the seized vehicles.

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 is said to be owner of the truck in question which is loaded with the sand. The petitioner had no knowledge that the truck in question is used for illegal mining. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is not 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 six 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 Banka P.S. Case No. 77



of 2020 subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V//-

U		T	
---	--	---	--

