

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36437 of 2020

Arising Out of PS. Case No.-307 Year-2020 Thana- AMARPUR District- Banka

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Sanjeev Sharma Son Of Late Ukati Sharma Resident Of Village Badshahganj,
Post -Bhikhanpur, P.S.- Amarpur, District- Banka, Bihar 813101

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rohit Mishra, Adv.
For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-04-2021 Heard both sides through video conferencing.

The petitioner apprehends his arrest in Amarpur P.S.
Case No.307 of 2020 registered under Sections 379 and 411 of
the Indian Penal Code, under Section 21 of M.M.D.R. Act,
1957, under Section 15 of Illegal Mining Environment
Protection Act, 1986 and under Section 56 of Illegal Mining
Environment Protection and Storage Rule.

Mr. Rohit Mishra, learned counsel for the petitioner
submits that due to sheer mistake in para 3, it has been stated
that petitioner has got no criminal antecedent but petitioner has
got one criminal case pending against him. The case was
registered by his co-sharer on account of land dispute for that a
supplementary affidavit is also filed. It is further submitted that



in the present case, the informant, a police officer alleged that he got information that some persons who were indulged in illegal mining were holding a meeting. When the informant went there, the accused persons fled away but Prashant Kumar was apprehended and he disclosed the name of the petitioner and other accused persons who are alleged to have holding the meeting and fled away after arrival of the police. It is further submitted that nothing has been recovered from the possession of the petitioner. No offence under Sections 379 and 411 of the Indian Penal Code and under any Sections of Mines and Minerals Act is made out against the petitioner. Mere holding a meeting does not constitute offence under any Sections as alleged in the F.I.R.

Learned A.P.P. did not dispute this fact.

Taking into consideration the facts aforesaid and nature of allegation made against the petitioner and the fact that petitioner is alleged to have holding the meeting but nothing has been recovered from the possession of the petitioner, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Banka in connection with Amarpur P.S. Case
No.307 of 2020, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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