

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37841 of 2020

Arising Out of PS. Case No.-299 Year-2019 Thana- SHAMBHUGANJ District- Banka

1. SONELAL SINGH Son of Rambhajju Singh Resident of Village- Auranga, P.S.- Tarapur, District- Munger.
2. Dhanraj Kumar Singh Son of Vinod Singh Resident of Village- Auranga, P.S.- Tarapur, District- Munger.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Setu Prateek, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, A.P.P

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 06-07-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 21.12.2020, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners apprehend their arrest in connection with Shambhuganj P.S. Case No. 299 of 2019, registered under Sections 379 and 411 of the Indian Penal Code, Section 40 of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 1972, Section 8 of BM(PIMTS) Rule, 2003 and Section 15 of Forest &



Environment (Protection) Act, pending in the court of the learned Chief Judicial Magistrate, Banka.

The accusation is that on receiving the secret information about carrying of illegal extracted sand loading on tractor attached with trailer, the informant and other Police personnel reached at the bank of Badua river. On seeing the Police party, driver of the tractor attached with trailer bearing registration No. BR08G-4035 succeeded to flee away leaving the tractor attached with trailer. Thereafter, tractor attached with trailer loaded with sand was seized.

Learned counsel appearing on behalf of petitioners submits that both the petitioners are owner and driver, respectively, of the tractor and both have no criminal antecedent. Further submission is that, in fact, the sand was being carried by the petitioner No.2, who are driver of the tractor, without knowledge of the petitioner No.1, who is the owner of the tractor and trailer.

Having regard to the facts and circumstances of the case, let the petitioner No.1, namely, Sonelal Singh, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Shambhuganj P.S. Case No. 299 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as petitioner No.2, namely, Dhanraj Kumar Singh is concerned, considering the facts and circumstances of the case and the nature of allegation against the him, I am not inclined to grant pre-arrest bail to the petitioner No.2, namely, Dhanraj Kumar Singh. Accordingly, his prayer for grant of pre-arrest bail stands **rejected**. The petitioner is directed to surrender before the trial Court within four weeks and pray for regular bail, which shall be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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