

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4171 of 2021

Arising Out of PS. Case No.-302 Year-2019 Thana- GHOSI District- Jehanabad

1. MANISH KUMAR S/o Ram Shanker Singh Resident of Village - Bharthu, P.S. - Ghosi, District - Jehanabad
2. Neeraj Kumar @ Bankey Bihari S/o Raju Sharma Resident of Village - Bharthu, P.S. - Ghosi, District - Jehanabad
3. Anshu Kumar S/o Balmiki Sharma Resident of Village - Bharthu, P.S. - Ghosi, District - Jehanabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Haridayal Kumar
For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-09-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in a case registered under Sections 379,, 420, 411,120(B), 353 of the Indian Penal Code, Sections 4/40 of B.M.M.C. Rules, 1972, Sections 2, 3, 4 of Illegal Mining Storage Transportation Act, 2003 and Section 15 of Environment Protect Act.

The prosecution allegation, in short, is that in course



of search, the accused persons were involved in illegal mining of sand.

It has been submitted on behalf of the petitioners that the petitioner nos. 2 and 3 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is alleged that the illegal mining of sand was being done. The seized tractor does not belong to the petitioner. The petitioner has got no concern with the alleged occurrence. The petitioner has been made accused due to mistake of fact.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned A.D.J.-VII, Jehanabad in connection with Ghosi P.S. Case No. 302/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each



with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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