

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39079 of 2020

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Pinku Kumar Singh, aged about 25 years, Male, son of Ramni Mohan Singh, resident of village-Taradiah, P.S. Barahat, District-Banka

----- Petitioner

Versus

The State of Bihar

----- Opposite Parties

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Appearance:-

For the Petitioner:- Mr. Rajive Ranjan Singh, Advocate

For the State :- Mr. Harendra Prasad, APP

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CORAM:HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2. 01.06.2021** The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and
Shri. Harendra Prasad, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Rajoun P.S. Case No. 404 of 2019 for the offence

registered under Sections 379, 411, 413 and 353 of the Indian Penal Code, Section 40 of B.P.M. Rule, 2003, Section 40 of the BMMC Rule, 1972, Section 21 of MMRD Act, 1957 and Section 15 of the Forest & Environment Act, 1957.

The case of the prosecution in brief is that the police personnel had intercepted the tractor of the petitioner, which was being driven by the co-accused person, whereafter the tractor loaded with sand was seized.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that since the petitioner is owner of the tractor, he has been falsely roped in the present case, nonetheless, it is the case of the petitioner that he has already deposited the loss amount with the Mining Department, hence a sympathetic view be taken for the purposes of grant of anticipatory bail to the petitioner.

Per contra, the learned A.P.P. for the State Shri. Harendra Prasad has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that the petitioner has already deposited the loss amount in favor of the Mining Department, in order to show his bona fides and moreover, the petitioner is merely the owner of the tractor in question and has not been arrested from the spot, hence I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the 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 C.J.M., Banka in connection with Rajoun P.S. Case No. 404 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

S.Sb/-