

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38970 of 2020

Arising Out of PS. Case No.-20 Year-2020 Thana- NASRIGANJ District- Rohtas

SITA RAM KUSHWAHA, son of Binod Mahto Resident of Chilodih, P.S.-
Koderma, District- Koderma (Jharkhand).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dineshwar Mishra, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, A.P.P

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 13-07-2021 As prayed for, let the learned counsel appearing for the petitioner remove the defect(s), as pointed out by the office vide its notes dated 27.12.2020, within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner apprehends his arrest in connection with Nasariganj P.S. Case no. 20 of 2020, registered under Sections 379 and 420/34 of the Indian Penal Code and Section 4/40 of the Bihar Illegal Mining Act, 1972.

The accusation is that on receiving information of S.D.M, Bikramganj about illegal extraction of sand from Sone river, the informant being the Circle Officer along with other Police personnel reached there then saw 500 meter away of



village-Atimiganj in Sone river, a Poclain machine is engaged for collecting sand and on seeing the Police personnel, the driver of the Poclain succeeded to flee away. Thereafter, the said Poclain was left there in the vigil of the Chowkidar of Atimiganj with a view that the owner of Poclain would come and produce papers, but, in spite of passing of much time, none appears. Thereafter, Poclain was taken to Nasariganj Police station.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that none was apprehended with the Poclain, later on, it was detected that the said Poclain was being driven by the petitioner. Further submission is that while occurrence is said to be held on 16.12.2019, but the present case was lodged on 27.01.2020 after one month. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, 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 A.C.J.M., Bikramganj, Rohtas in connection with Nasariganj P.S. Case



No. 20 of 2020, subject to the condition as laid down under
Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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