

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41139 of 2020

Arising Out of PS. Case No.-118 Year-2020 Thana- NASRIGANJ District- Rohtas

1. PINTU KUMAR SINGH Son of Mahanth Singh Resident of Village- Banjariya Murad, P.S.- Buxar, Distt.- Buxar.
2. JITENDRA KUMAR RAM @ JITENDRA KUMAR Son of Late Nand Kishor Ram Resident of Village- Govinapur, P.S.- Nawanagar, Distt.- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv.
	:	Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s	:	Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 24-07-2021 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Nasriganj P.S. Case No. 118 of 2020 instituted for the offences under Sections 379, 411, 420/34 of the Indian Penal Code, Sections 56(1), 56(2) of Bihar Illegal Mining Act and Section 15 of the Environment Protection Act.

Approximately seven trucks loaded with sand were intercepted on 26/27-7-2020. For the reason that the trucks were unauthorizedly loaded with sand, the present



case has been lodged. Seeing the police party, the drivers of the aforesaid vehicles ran away. The petitioner no. 1 is the owner of one such truck whereas petitioner no. 2 is the driver of that truck.

Learned counsel for the petitioners has submitted that the presumption of the police party that the truck was loaded with unauthorizedly extracted sand is incorrect. Only after performing proper formalities, the truck of the petitioners was loaded. Because of the high handedness of the police, which was witnessed by the driver of the vehicle, he ran away for the fear of being beaten up. The petitioner no. 1 is the owner of the vehicle and, therefore, as argued on behalf of the petitioners, that by itself would not make him liable for any breach of the provisions of any special Act. The falsity of the case further appears from the fact that the F.I.R. was lodged after several hours of delay. The vehicles were intercepted in the night of 26th /27th of July 2020 but the F.I.R. was lodged on 28.07.2020. Though, the delay may be explained by any reason whatsoever but it does creates suspicion that after the vehicles were seized, this



kind of allegation was levelled against the owners and drivers of such vehicles

Regard being had to the afore-stated facts, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -I, Bikramganj, Rohtas in connection with Nasriganj P.S. Case No. 118 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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