

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1965 of 2021

Arising Out of PS. Case No.-200 Year-2020 Thana- DHURAIYA District- Banka

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Birendra Sah @ Virendra Sah @ Virendra Kumar Sah Son Of Gopi Sah
Resident Of Village - Alang (ALANG Parghari), P.S. - Sabour, District -
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bharat Lal, Advocate

For the Opposite Party/s : Mr. Vinod Kumar Modi, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Counsel for the petitioner is directed to remove the
defect(s), as pointed out by the office, within a period of four
weeks from the date of restoration of normalcy.

The petitioner is apprehending his arrest in a case
registered under Sections 379, 411, 120 of the Indian Penal
Code and Section 56 of Bihar Mineral Concession of Illegal
Mining Transportation and storage Rule 2019 and Section 21 of
MMDR Act 1957 and Section 15 of Environment Protection Act
1986.

Allegation is that 60 CFT sand was loaded on the
vehicle and the driver of the vehicle failed to show any paper in



respect of loaded sand.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. On the vehicle in question, illegal sand is said to have been found. The petitioner had no knowledge that the vehicle in question was run as public carrier by the driver. The petitioner is alleged to be the owner of the vehicle in question. The driver of the vehicle has already been granted regular bail by the court below.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Dhoraiya P.S. case No.200 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall



furnish bail bonds of Rs.10,000/- (Rupees ten thousand) 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)

Narendra/-

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