

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4216 of 2021

Arising Out of PS. Case No.-9 Year-2020 Thana- NASRIGANJ District- Rohtas

MAHENDRA SAH SON OF SIPAHI SAH Resident of Village - Sabadala,
P.s.- Nasriganj, Dist.- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary

For the Opposite Party/s : Mr. N.N. Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

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

The petitioner is apprehending his arrest in a case registered under Sections 379, 420, 34 of the Indian Penal Code and sections 4/14 of the Bihar Illegal Mining Act, 1972.

The prosecution allegation, in short, is that the accused persons were involved in illegal mining of 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 been made accused due to mistake of fact. It is alleged that illegal sand was being excavated illegally. The petitioner is alleged to be driver of the Poclane machine. He had no knowledge whether the



excavator got permission or not for excavating the sand. The petitioner has no intention to commit theft of sand in question.

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

Considering the aforesaid facts and circumstances, the petitioner, 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 his personal bond to the satisfaction of learned S.D.J.M., Bikramganj, Rohtas in connection with Nasriganj P.S. Case No. 09 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)

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