

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6264 of 2021

Arising Out of PS. Case No.-537 Year-2020 Thana- BIHTA District- Patna

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Satyendra Kumar @ Satyendra Ray, S/O Chandradeo Ray @ Chand Deo Ray,
R/O Village Pathlautiya, P.S-Bihtta, District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Shambhu Sharan Singh, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-12-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Jagdhar Prasad, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail in connection with Bihta P.S. Case No. 537 of 2020 registered for the offence punishable under Section 420, 379, 411 of the Indian Penal Code and Section 11/56 of Bihar Minerals (Concession Illegal Mining Transportation and Storage) Rule 2019. Petitioner has got one criminal antecedent in which he is on bail.

Learned counsel for the petitioner submits that as per the prosecution story, on getting secret information that the accused persons are indulged in illegal mining of sand, a raid was



conducted then the machines used in mining were seized. Further, the representative of M/S Bradson Company disclosed the name of the petitioner and others to be involved in illegal business of sand.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the representative of the Company namely M/S Bradson has allegedly taken name of 10 persons including this petitioner as those who were involved in illegal mining and sell of sand, this petitioner is neither the owner of any of the Poclain machines nor driver and labourer or dealer of the sand and nothing incriminating has been recovered from his possession. He is simply running a small hardware shop.

Mr. Jagdhar Prasad, learned A.P.P. for the State has opposed the prayer for pre-arrest bail of the petitioner.

Having regard to the specific submission of learned counsel for the petitioner that the representative of the Company namely M/S Bradson has allegedly taken name of 10 persons including this petitioner as those who were involved in illegal mining and sell of sand, however, this petitioner is neither the owner of any of the Poclain machines nor driver and labourer or dealer of the sand and nothing incriminating has been recovered from his possession, he is a shopkeeper of a small hardware shop, this Court having noticed that no direct material is being brought



to the notice of this Court to connect this petitioner in the present case, directs that the petitioner above-named in the event of his arrest or surrender within four weeks from today be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. !st, Danapur in connection with Bihta P.S. Case No. 537 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

