

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7111 of 2021

Arising Out of PS. Case No.-108 Year-2020 Thana- BANKA District- Banka

GOVIND KUMAR SON OF SRI VINOD KUMAR R/O VILLAGE-
CHEWARA, P.S.- CHEWARA, DISTRICT- SHEIKHPURA, BIHAR
... .. Petitioner

Versus

THE STATE OF BIHAR Opposite Party

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-11-2021 Learned counsel for the petitioner undertakes to remove the defect(s) as pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Banka P.S. Case No. 108 of 2020 registered for the offences punishable under Sections 379, 411 of the Indian Penal Code, Section 8 of Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003 Amendment 2014 and Section 40 of Mines And Minerals (Development And Regulation) Act, 1957 and Section 15 of Environment Protection Act. The petitioner has no criminal antecedent.

Learned counsel for the petitioner submits that the Informant who is the Mining Officer seized a truck loaded with sand. It is alleged that the truck driver fled away after leaving the truck on



seeing the informant.

Learned counsel submits that the petitioner is innocent and has not committed any offence. It is further submitted that the petitioner is the owner of the truck in question and the same was in control of the driver. The petitioner was not driving the vehicle and the sand was loaded by the driver without knowledge of the petitioner. It is submitted that the petitioner has paid total amount of Rs. 63,449/- towards the penal charges as per the direction of the Mines Department.

Learned APP for the State has opposed the prayer of pre-arrest bail of the petitioner.

Having regard to the submissions that this petitioner is the owner of the vehicle (truck) which was allegedly used in carrying sand, the petitioner was not driving the vehicle and it is his submission that the vehicle was in control of the driver who had been carrying the sand without knowledge to the petitioner, however, the petitioner has paid total amount of Rs. 63,449/- towards the penal charges as per the direction of the Mines Department, this Court directs release of the petitioner on pre-arrest bail in the event of his arrest or surrender within four weeks from today in connection with Banka P.S. Case No. 108 of 2020 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka, subject to conditions as laid down under Section 438(2) 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'.

