

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6891 of 2021

Arising Out of PS. Case No.-142 Year-2020 Thana- SHAMBHUGANJ District- Banka

1. KANHAIYA KUMAR @ KANHAIYA CHAUDHARY SON OF CHHOTELAL CHAUDAHRY RESIDENT OF VILLAGE-THEBHAI, P.S-SANGRAMPUR, DISTRICT-MUNGER
2. NITISH CHAUDHARY @ NITISH KUMAR CHAUDHARY SON OF CHHOTELAL CHAUDHARY RESIDENT OF VILLAGE-THEBHAI, P.S-SANGRAMPUR, DISTRICT-MUNGER
3. BIJAY SHARMA @ BIJAY KUMAR SHARMA SON OF GAYA SHARMA RESIDENT OF VILLAGE-THEBHAI, P.S-SANGRAMPUR, DISTRICT-MUNGER
4. GANGESH SHARMA @ GANGESH KUMAR SON OF AKHILANAND SHARMA RESIDENT OF VILLAGE-THEBHAI, P.S-SANGRAMPUR, DISTRICT-MUNGER
5. SHAMBHU SHARMA @ SHARANJEET KUMAR SON OF BALMUKUND SHARMA RESIDENT OF VILLAGE-THEBHAI, P.S-SANGRAMPUR, DISTRICT-MUNGER
6. ABHISHEK ANAND @ ABHISHEK KUMAR ANAND SON OF PRAMOD CHAUDHARY RESIDENT OF VILLAGE-THEBHAI, P.S-SANGRAMPUR, DISTRICT-MUNGER

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 14-12-2021 Heard Mr. Bipin Kumar, learned Advocate for the petitioners and Mr. Parmeshwar Mehta, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Shambhuganj P.S. Case No. 142 of 2020 dated 03.06.2020 instituted for the



offences under Sections 379 of the Indian Penal Code and 56 B.M. (C.P.I.M.T.S.) Rule, 2019 & M.M.D.R. Act, 1986 & 15 of the Environment (Protection) Act, 1986.

The accusation against the petitioners is of having conspired and extracted 5310 CFT of sand unauthorizedly, causing losses to the Government to the tune of Rs. 2,33,684/-.

Learned counsel for the petitioners has submitted that there has been pilferage of sand but the petitioners have never been involved in such illegal extraction. In fact, the petitioners had earlier made a complaint before the Mines Department but instead of taking action against the wrong doers, the petitioners have been made accused in this case.

Their implication in this case is only on the basis of information provided by the local persons that petitioners also have been indulging in extraction of sand in an unauthorized manner.

Considering the vagueness of the prosecution version and there being no material to support the accusation, 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 four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten



Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Banka in connection with Shambhuganj P.S. Case No. 142 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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