

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13188 of 2021**

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

1. MUKESH KUMAR @ MUKESH SHARMA SON OF SURO SHARMA
RESIDENT OF VILLAGE - THEBHAI, P.S. -SANGRAMPUR, DIST-
MUNGER.
2. MANTU CHAUDHRY @ ASHOK CHAUDHRY SON OF VAKIL
CHAUDHRY RESIDENT OF VILLAGE - THEBHAI, P.S.
-SANGRAMPUR, DIST-MUNGER.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Bipin Kumar, Advocate.
For the State	:	Mr. Yogendra Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 13-07-2021 In view of the submission and undertaking of the learned counsel for the petitioners, at the time of hearing of this application, through Video Conferencing, that he would remove the defect(s), as pointed out by the office vide its notes dated 17.02.2021, within four weeks of starting of the Court proceeding in physical mode in normal course, he is permitted to remove the same accordingly.

At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that the petitioner no.2, namely, Mantu Chaudhry alias Ashok Chaudhry, has already been arrested by the police in this case and seeks permission to withdraw this application in respect of the petitioner no.2, namely, Mantu Chaudhry alias Ashok Chaudhry.



Permission is accorded.

This application in respect of the petitioner no.2, namely, Mantu Chaudhry alias Ashok Chaudhry, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.1, namely, Mukesh Kumar alias Mukesh Sharma, for grant of privilege of pre-arrest bail is being considered.

Heard learned counsel for the petitioner no.1, above named, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner no.1, above named, apprehends his arrest in connection with Shambhuganj Police Station Case No.142 of 2020 registered under Section 379 of the Indian Penal Code besides Section 56 B.M. (C.P.I.M.T.S) Rule 2019 and M.M.D.R. Act, 1986 and Section 15 of the Environment (Protection) Act, 1986.

The accusation is that in course of raid by the informant along with Officer Incharge of Shambhuganj Police Station and other police personnel, it was found that the dam, which was constructed for the protection of the flood at Badua river, has been cut. On query from the local people, it came into the knowledge that 12 persons, named in the F.I.R., including the petitioner no.1 have cut the dam for extracting the sand, causing revenue loss of Rs.2,33,684/-.

Learned counsel for the petitioner no1, above named, submits that the petitioner was neither apprehended on the spot nor



any vehicle indulged in carrying the sand was seized. On mere suspicion, the petitioner, who has no criminal antecedent, has falsely been implicated in this case.

Having considered the facts and the circumstances of the case, let the petitioner no1, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Banka, in connection with Shambhuganj P.S. Case No.142 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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