

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5037 of 2022

Arising Out of PS. Case No.-361 Year-2021 Thana- AMARPUR District- Banka

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NIRAJ SHARMA @ NIRAJ KUMAR SHARMA @ NIRAJ KUMAR Son of
Vidyapati Sharma Resident of Village- Madachak, P.S.- Amarpur, District-
Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Assistant Director, Mines and Geology Department, Banka Banka.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code read with Section 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019 Section 21 of the MMDR Act and Section 15 of the Environment Protection Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 12.07.2021, while he was on patrolling duty with his team, he got secret information about sand being loaded



illegally at Madhachak Ghat, the police team reached the place of occurrence where tractor driver after unloading the sand fled, it is further alleged that at bank of the river, 4-5 tractor trailers were found and two trolleys for storing sand were also recovered and the villagers revealed that the theft of sand is being committed by the petitioner and Brajesh.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, further the petitioner was not even present at the place of occurrence, it is further submitted that neither the tractor nor the trolley belongs to the petitioner and it appears that the informant with a view to save the real culprits, got the petitioner implicated alleging that his name was disclosed by the local people when the F.I.R. does not even remotely suggest the name of the any of the local people or the villagers who disclosed the name of the petitioner.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned court below where the
case is pending/successor court in connection with Amarpur P.S.
Case No. 361 of 2021 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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