

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5726 of 2022**

Arising Out of PS. Case No.-158 Year-2021 Thana- BAIRIYA District- West Champaran

SANDEEP SINGH @ SANDEEP KUMAR SINGH Son of Bala Singh  
Resident of Village - San Saraiya, P.S.- Bettiah Muffasil, District - West  
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar  
2. The Mineral Development Officer, West Champaran, Bettiah  
... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Gupta, Advocate  
For the Opposite Party/s : Mr. A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      01-09-2022                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

Let the defect(s), if any, be removed within a period  
of four weeks.

The petitioner apprehends his arrest in a case  
registered for the offences punishable under Section 379 of the  
Indian Penal Code, BM (CPIMIS) Rules, 2019 and Sections 56,  
11, 41, 1957, Section 21(4) of the Environmental Protection Act,  
1986 and Section 15 of the Act.

Learned counsel for the petitioner submits that  
petitioner is a person with clean antecedent and he has been  
falsely implicated in the present case by the informant alleging  
that five tractors were found overloaded of sand for which no  
valid documents were shown by the drivers of the tractors which



led to revenue loss to the government to the tune of Rs.30,350/- per tractor.

Learned counsel submits that the FIR has been instituted in a mechanical manner and first the tractors were seized and thereafter an information was sent to the Department of Mines then the present FIR came to be instituted as would be evident from the counter affidavit. Learned counsel submits that it absolutely does not stand to reason that as to what prevented the police from instituting an FIR when it is being alleged that illegal sand was found loaded on the tractors. Learned counsel next submits that there was absolutely no necessity for the police to take permission of the Department of Mines for instituting an FIR under Section 379 of the Indian Penal Code. Learned counsel also submits that this amply demonstrates that for ulterior reason the police implicated the petitioner in connivance with the Department of Mines falsely alleging that the sand was found loaded on the tractors. Learned counsel, thus, submits that the manner in which the present FIR came to be instituted that also cast an aspersion on the veracity of the allegation as alleged in the FIR. Learned counsel at the cost of repetition submits that he has been falsely implicated and, thus, intends to contest the FIR before the learned court below but



also has instruction that he will deposit the alleged amount as stated in the FIR under protest to the Department of Mines so that in the event if petitioner is finally acquitted the Department of Mines will have to return the amount so deposited.

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.5,000/- (Rupees Five 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 Bairiya P.S. Case No. 158 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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