

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19960 of 2021

Arising Out of PS. Case No.-719 Year-2020 Thana- BANKA District- Banka

ASHWANI KUMAR SON OF LATE ARUN KUMAR CHOUDHARY R/O
VILLAGE- SIPAHI TOLA, BAXA GHAT ROAD, P.S. AND DISTRICT-
PURNIA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-01-2022 Heard the parties through virtual court proceedings.

Learned counsel for the petitioners undertakes to remove the defects as pointed out by the office, within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, the office will place the matter before the Bench.

At the very outset, learned counsel submits that in the prayer portion of the bail petition, Banka (Barahat) P.S. Case No.719 of 2020 has wrongly been typed as Chandan (Anandpur) P.S. Case No.43/2020, the same may be permitted to be read as Banka (Barahat) P.S. Case No.719 of 2020.

Prayer is allowed.

The petitioner apprehends his arrest in a case in



connection with Banka (Barahat) P.S. Case No.719/2020, registered for the offence punishable under Sections 379, 411 of the Indian Penal Code, section 21 M.M.D.R. Act, 1957, section 56 of Concession & Prevention of Illegal Mining Transportation and Storage Rule, 2019 and section 15 of Environment Protection Act, 1980.

The case of the prosecution is that in course of raid, the informant saw a loaded sand truck was coming and on instruction of stopping the vehicle, the driver fled away leaving the vehicle.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. Petitioner has no criminal antecedent and is ready to deposit the loss money, as calculated by the Mining department, before the learned court below.

Learned counsel for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty 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 Banka (Barahat) P.S. Case No.719/2020, with a condition that petitioner shall deposit the loss money, as calculated by the Mining Department, as also subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The learned court below is directed to accept the bail bonds of the petitioner after showing the receipt of deposit of the loss money as per the calculation of the Mining Department.

(Anjani Kumar Sharan, J)

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