

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13368 of 2022

Arising Out of PS. Case No.-731 Year-2021 Thana- DIGHA District- Patna

ASHOK RAY Son of Sudeshi Ray @ Sudasi Ray Resident of Village- Nakta
Diyara, Panapur, P.S. - Digha, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 04.12.2021 at 1:00 PM, he along with his team was on an encroachment drive against illegal transportation of sand, when three tractors were apprehended with loaded sand without any challan, it is further alleged that three tractors were also seized with 110 CFT of yellow sand in each which has caused revenue loss to the government.

Learned counsel for the petitioner submits that the



petitioner is an innocent and has been falsely implicated in the present case, it is next submitted that petitioner is the owner of one of the tractors and was not present at the place of occurrence, it is submitted that it appears that the person, who had hired the tractors, indulged in the illegal act of sand mining, it is also submitted that though the FIR alleges that it caused loss of revenue to the government but then the loss is not specified, the learned counsel for the petitioner submits that he has instructions to submit that, in the event, if the Department of Mines specified the loss of revenue caused to the government with respect to the sand found loaded on the tractor, he will pay the said amount despite the fact that the petitioner personally was not involved in the offence.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner, but are not able to meet the submission of the learned counsel for the petitioner, as the FIR does not disclose as to what revenue loss was caused to the government.

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 trial court 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 trial court where the case
is pending/successor court in connection with Digha P.S. Case
No. 731 of 2021 subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Shivam/-

U		T	
---	--	---	--

