

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18260 of 2022

Arising Out of PS. Case No.-66 Year-2019 Thana- BELHAR District- Banka

SHIV MOHAN JHA Son of Late Baijnath Jha Resident of F2 845, Sangam
Vihar, Pushpa Bhawan, South Delhi, PIN- 110062. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar

For the Opposite Party/s : Mr. Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

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

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 379 & 411 of the Indian Penal Code and Rule 8 of Bihar Minerals (Prevention of Illegal Mining Transportation & Storage) Rules, 2003 Amendment Act, 2014, Rule 40 of BMMC Rule 1972 and Section 15 of Forest and Environment Protection Act, 1986.

The accusation against the petitioner is that illegal sand was stored on his ancestral land.



It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to political rivalry. As a matter of fact, the alleged land belong to the joint family property of the petitioner and as such there is no partition between the heirs as yet and there is no Jamabandi registered in the name of the petitioner with respect to the said land. No one had referred his name to substantiate that he was the person who used to do the mining and storage on the said land. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

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 Belhar P.S. Case No. 66 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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