

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22735 of 2022

Arising Out of PS. Case No.-15 Year-2021 Thana- BHEJA District- Madhubani

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DHALAI YADAV S/o Chingi Yadav R/o village - Baghwa, P.O.- Baghwa,
P.S.- Mahishi (Jalai O.P.), District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-11-2022 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 Sections 379 and 414 of the Indian

Penal Code and Section 56(1) of the Bihar Minerals Concession

Prevention of Illegal Mining Transportation Storage Rules, 2019 and

Section 15 of the Environment Protection Act, 1986.

Learned counsel for the petitioner submits that petitioner

is a person with clean antecedent.

The informant alleges that six tractors along with one JCB

loaded with sand were apprehended along with Neeraj Kumar while

other accused persons fled away.

Learned counsel for the petitioner submits that petitioner

has been falsely implicated in the present case. It is further submitted



that petitioner was not apprehended from the place of occurrence and he came to be implicated as he is the owner of one of the tractors. It is next submitted that the offence is compoundable but then the FIR does not even remotely suggest that as to what quantity of sand was found loaded on the tractor based on which the offence would have been compounded. It is, thus, submitted that it appears that in a mechanical manner the FIR came to be instituted.

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 Bheja P.S. Case No. 15 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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