

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26710 of 2022

Arising Out of PS. Case No.-26 Year-2022 Thana- BANKA District- Banka

MD CHOTU @ CHHOTU Son of Md. RAsid Resident of Village -
Khariyara, P.s.- Banka, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Banka P.S. Case no. 26 of 2022 instituted for the offence under Sections 379, 411, 188 of the Indian Penal Code and Section 4(1)/21 of the MMRD Act and Section 56(2) of Bihar Minerals Rules, 2019.

Prosecution case relates to illegal mining of sand, as a result of which govt. suffered revenue loss of Rs. 1,13,805/-.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. Petitioner has no concern with the alleged illegal mining or storage of the sand.



He has been falsely implicated in this case due to dirty village politics. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Banka P.S. Case no. 26 of 2022, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Banka subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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