

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32330 of 2022

Arising Out of PS. Case No.-52 Year-2021 Thana- NATWAR District- Rohtas

Mithilesh Choudhary @ Mithalesh Chaudhari Son Of Bachan Choudhary
R/O- Vill- Darekhap , P.S.- Nasriganj , Dist.- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 379, 411, 413, 414/34 of the Indian Penal Code and Sections 56(i)(ii) of the B.M.M.C Rule, 2019, Section 15 of the Environmental Protection Act and Sections 52, 33, 41, 42 of the Forest Protection Act, 1980.

The prosecution case as per F.I.R is that while the informant being S.H.O was checking with the police party near Natwar Bazar Samittee, two Hiawa ten wheelers trucks were stopped. On seeing the police party, the drivers of the said truck started fleeing away.



The police chased them and arrested and on inquiry, they replied that in those trucks, illegal stones were loaded. On demand, no papers were produced by the drivers. On being searched, 1800 CFT of stones were found to be loaded on both the trucks. The petitioner is owner of one of the seized trucks.

It is submitted by learned counsel for the petitioner that petitioner is the *bona fide* owner of one of the seized Haiwa truck and all affairs of the truck was being managed by the Driver Santosh Kumar. The petitioner had no knowledge regarding the illegal transportation of stones. Nothing incriminating have been recovered from the possession of the petitioner and petitioner had no knowledge regarding illegal transportation of stones.

Considering the fact that petitioner is owner of one of the Haiwa truck through which, illegal transportation of stones were being done, the petitioner is directed to deposit Rs. 50,000/- to the concerned



Government Department.

In the facts and circumstance of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV-cum-Sub-Judge-IV, Bikramganj, Rohtas in connection with Natwar P.S. Case No. 52 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner shall be accepted by the learned Court below on receipt of deposit of Rs. 50,000/-(Fifty Thousands) to the concerned Government Department.

(Sunil Kumar Panwar, J)

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