

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42042 of 2021

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

NIRAJ KUMAR @ NIRAJ KUMAR NIRALA S/O JAIRAM YADAV R/o
village- Tengraha, P.S.- Bheja, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Chaturvedi, Advocate

For the Opposite Party/s : Mr. Ram Bilas Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-01-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bheja P.S. Case No. 15 of 2021 for the offence registered under
Sections 379 and 414 of the Indian Penal Code, Section 56(1) of
the Bihar Minerals (Conservation & Prevention of Illegal
Mining Transportation and Storage) Rule, 2019 and Section 15
of the Environment Protection Act.

The prosecution case in brief is that police force
during the course of patrolling duty saw that illegal mining was
being resorted to and sand was being loaded on a tractor from
the river bank by JCB and upon having seen the police force,
the accused persons had fled away.

The learned counsel for the petitioner has submitted



that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 06.03.2021. The learned counsel for the petitioner has further submitted by referring to paragraph no. 6 of the present petition that the petitioner is neither the owner nor the driver of the seized vehicle. It is also submitted that the petitioner was not arrested from the spot but from the business premises of one M/s Dharam Raj Enterprises Udhyog, from where he is running the business of brick kiln.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner has categorically stated in the present petition that he is neither the owner nor the driver of the seized vehicle and moreover he is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned ACJM-III, Jhanjharpur, District-
Madhubani in connection with Bheja P.S. Case No. 15 of
2021.

(Mohit Kumar Shah, J)

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