

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41291 of 2021

Arising Out of PS. Case No.-9 Year-2020 Thana- NASRIGANJ District- Rohtas

Budhan Singh Son Of Late Ramkrit Singh Resident Of Village - Sabadala,
P.S.- Nasriganj, Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-07-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 379, 420, 34 of the Indian Penal Code and Section 4/14 of the Bihar Illegal Mining Act.

The prosecution allegation, in short, is that the government official seized two machines used for excavating the sand.

It is submitted by learned counsel for the petitioner that petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is the driver of the seized poclane machine. He had no knowledge whether the excavator got permission or not for excavating the sand. The petitioner has no intention to commit theft of sand in question. He submits that the



similarly situated co-accused has already been granted bail by a Bench of this Court vide order dated 07.09.2021 passed in Cr. Misc. No. 4216 of 2021 and vide order dated 28.01.2022 passed in Cr. Misc. No. 23697 2021. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case as well as the fact that similarly situated co-accused has already been granted bail, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail 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 Nasriganj P.S. Case No. 09 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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