

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51311 of 2021

Arising Out of PS. Case No.-163 Year-2021 Thana- BARHARA District- Bhojpur

RAJ KISHORE RAM S/o LATE SHIV NATH RAM R/o VILLAGE-
KOLHRAMPUR, P.S.-BARAHARA, DISTRICT- BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlesh Prasad Yadav, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-05-2022 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 four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 379, 420 of the Indian Penal Code, Rule 11, 56(1) of Bihar Mineral Concession of Illegal Mining Transportation and Storage Rule 2019, section 15 of the Environmental Protection Act, 1986.

Allegedly, 800 CFT yellow sand has been recovered from the land of the petitioner.

It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. No recovery has been made from the conscious physical possession of the petitioner. Petitioner has no concern with the recovered sand or has no trade of illegal mining of sand. The said recovery has been made from the land of co-accused. Petitioner has no criminal antecedent.

Petitioner is agreed to deposit the loss amount of Rs.51720/- to the Mines Department, as per the assessment of the department.

Having regard to the facts and circumstances of the case, since the petitioner is agreed to deposit the amount assessed by the department, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 Barahara P.S. Case No.163 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



However, learned court below is directed to accept the bail bond of the petitioner after his showing the receipt of deposit of Rs.51,720/- in the Mines Department.

(Anjani Kumar Sharan, J)

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