

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2023 of 2021

Arising Out of PS. Case No.-383 Year-2020 Thana- Chapra Town District- Saran

Shiv Narain Rai, S/O Ram Lagan Rai, Resident of Village - Badalpura, P.S.-
Doriganj, District-Saran.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Mines Department through its Secretary, Government of Bihar, Patna.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate
For the State : Mr. Madan Kumar, APP
For the Mining Department: Mr. Naresh Dixit, Advocate
Mr. Brij Bihari Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 20-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has wrongly added the Special Public Prosecutor, Mines Department, as opposite party no.2 instead of Mines Department through its Secretary, Government of Bihar, Patna.

Hence, office is directed to make necessary correction in the array of opposite party no.2 after deleting the name of Special Public Prosecutor.

The petitioner seeks anticipatory bail in connection with Chapra Town P.S. Case No. 383 of 2020 registered for the offences under Sections 414 of the Indian Penal Code and under Sections 56(i)(2) of the Bihar Mineral, Illegal Mining,



Transportation and Storage Act, 2019 and Section 15 of the Environment Protection Act, 1986.

The only contention of learned counsel for the petitioner is that the petitioner is 67 years old and the boat does not belong to him whereas, in the counter affidavit all the materials are available which have been collected during the investigation and on the basis of the said materials it has come that the petitioner is the owner of the boat which was involved in the illegal sand mining.

In view of the aforesaid, this is not a fit case for grant of anticipatory bail to the petitioner. Accordingly, this anticipatory bail application is dismissed.

The petitioner is directed to surrender before the Court below within a period of ten weeks from today and seek regular bail, if so advised.

(Sandeep Kumar, J)

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