

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51766 of 2022

Arising Out of PS. Case No.-115 Year-2021 Thana- CHANAN District- Lakhisarai

SHURTI RAJ KUMAR S/o Sri Ram Bahadur Singh R/o village- Batta
Rampur, P.S.- Chanan, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vipin Kumar, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code and Rule 56(2) of the B.M. (CPIMTS Amendment Rule, 2021 and Section 21 of the M.D. (D & R) Act, 1957.

Learned counsel for the petitioner submits that petitioner has antecedent of two cases and the informant alleges that one Vyas Paswan, Mining Inspector made his written report before the police alleging that in compliance of the Department Letter dated 05.10.2021, the informant along with the police inspected the stock of sand of the F.I.R named accused persons whose licenses had already expired even then they had illegally



made storage of the sand, it is next alleged that on spot inquiry, they found the difference of stock from the P.M.U Record which is against Rule 39(3) of BM (CPIMTS) Rule, 2019 and other Rules mentioned in the F.I.R.

Learned counsel for the petitioner submits that petitioner is a valid licensee and his license had expired and he had applied for renewal when in the meantime, the inspection was carried out in which sand was found stored at the place of occurrence, it is also submitted that petitioner had already paid the Royalty on the said sand. It is next submitted that similarly situated co-accused Bipul Kumar has been granted anticipatory bail by order dated 22.09.2022 in Criminal Miscellaneous No. 22681 of 2022.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case



is pending/successor court in connection with Chanan P.S. Case
No. 115 of 2021 subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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