

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63270 of 2021

Arising Out of PS. Case No.-282 Year-2020 Thana- KOILWAR District- Bhojpur

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1. SUNIL RAY @ GUPTA RAY S/o Ranjit Ray R/o village- Semra, P.S.- Barhara, District- Bhojpur
 2. Dharmbir Ray S/o Ranjit Ray R/o village- Semra, P.S.- Barhara, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Shyameshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 20-07-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

At the outset, learned counsel for the petitioners has submitted that during the pendency of this anticipatory bail application, petitioner no.1 has been arrested and, as such, the same has become infructuous. He, therefore, seeks permission to withdraw this application as against petitioner no.1.

In view of the aforesaid submission, the application is dismissed as withdrawn as **having become infructuous as against petitioner no.1.**

Heard learned counsel for the petitioners and learned



APP for the State.

Petitioner no. 2 apprehend his arrest for the offences alleged under Sections 379 of the Indian Penal Code and Sections 11, 39 and 56(1) of Bihar Mines (Illegal Mining, Transportation and Storage)) and Environmental Pollution Control Act, registered in connection with Koilwar P.S.Case No. 282 of 2020.

Learned counsel for the petitioners has submitted that as per the FIR, one Chaukidar Santu Yadav apprised the police party that eight FIR named accused persons were indulged in illegal mining of the sand. The police raided the place of occurrence and 7000 cubic ft. sand was found stored at the land of co-accused Raj Kishore Singh. He has submitted further that the land where the sand was stored was belonging to Raj Kishore Singh. He has also submitted that there is nothing against the petitioners in the entire FIR, except the fact that Chaukidar has taken name of the petitioners.

Considering the above facts and circumstances, let petitioner no.2, above-named, in the event of his arrest or surrender within four weeks from the date of communication of this order, 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 CJM in connection with Koilwar
P.S.case No. 282 of 2020, subject to the conditions as laid down
under Section 438(2) Cr. P.C.

Office shall ensure that all the defects are removed by
the petitioners within the stipulated time provided hereinabove,
failing which the matter shall be brought to the notice of this
Court.

(Nawneet Kumar Pandey, J)

HR/-

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