

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69140 of 2021

Arising Out of PS. Case No.-11 Year-2021 Thana- SANGRAMPUR District- East
Champaran

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NITU SINGH @ PRAKASH RANJAN Son of Late Krishna Kumar Sharma
At Village Rajpur Manglapur, P.S. Sangrampur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner, at the outset,
submits that inadvertently at Para-3 of the anticipatory bail
application it has been stated that petitioner is a person with
clean antecedent when petitioner has antecedent of one case and
thus seeks permission to make rectification in Para-3 of the
anticipatory bail application.

Permission is accorded.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 379, 354
and 34 of the Indian Penal Code read with Rule 56 of the Bihar
Mineral (Concession, Prevention of Illegal Mining,



Transportation and Storage) Rule and Section 21 and 22 of the Mines and Mineral (Development and Regulation) Act.

Learned counsel for the petitioner submits that the informant alleges that he had gone for verification of illegal sand mining and when they reached the Bank of Gandak River, they saw five tractors at the place of occurrence which were stationed for carrying out illegal mining, it is next alleged that when the informant went to see the tractors, driver, labourers and other started protesting and they managed to flee with the tractor and spy and local chowkidar informed about the five accused including petitioner who were owners of the tractors and were involved in illegal mining.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that the FIR does not even remotely suggest the number of the tractors which were found standing at the place of occurrence and the informant deliberately left the FIR vague so that he could at will implicate innocent people. It is further submitted that the informant very clearly in the FIR records that he saw five tractors standing at the place of occurrence but he did not note the number of the tractors, this amply demonstrates that the same was done intentionally in order to falsely implicate



innocent people like the petitioner, it is further submitted that petitioner was not even present at the place of occurrence.

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 her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each 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 Sangrampur P.S. Case No. 11 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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