

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8070 of 2023

Arising Out of PS. Case No.-140 Year-2022 Thana- BAHERI District- Darbhanga

1. Pramod Sharma @ Pramod Kumar Thakur Son Of Late Kashi Thakur R/O Village- Sahru, P.S.- Siwaji Nagar, District- Samastipur
2. Ranjeet Kumar Singh Son Of Mithilesh Singh R/O Village- Hathauri, P.S.- Hathauri, District- Samastipur
3. Dinesh Mahto Son Of Rajendra Mahto R/O Village- Baheri, P.S.- Baheri, District- Darbhanga
4. Ram Bharos Mahto Son Of Late Ram Prasad Mahto R/O Village- Baheri, P.S.- Baheri, District- Darbhanga
5. Rabindra Mandal @ Ravindra Kumar Son Of Mangal Mandal R/O Village- Rupauliya, P.S.- Baheri, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 15-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 188, 379, 353, 34 of the Indian Penal Code, Section 11/56 of the Bihar Minerals Rules, 2019 and Section 15 of Environment Protection Act.

As per FIR, informant seized one JCB and 7 tractors who engaged in illegal mining. It is also alleged that the villagers reached there and deterring the public servant from



discharging their duty and succeeded in taking away all the seized vehicles.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that there is general and omnibus allegation levelled against the petitioners. He submits that there is no specific overt act against the petitioners. He submits that the petitioners are the tractor owners who operate and run the tractor for their livelihood and they have no any concern with cutting soil illegally for any businesses of soil. He submits that the land in question belongs to private persons not the government. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail and submits that the petitioners have been made accused in this case on the basis of photography and video clipping taken by the public servant at the time of occurrence.

Considering the facts and circumstances of the case and the fact that there is no specific overt act against the petitioners, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on



furnishing bail bond of Rs.25,000/- (Rupees Twenty Five 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 Baheri P.S. Case No. 140 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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