

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19795 of 2023

Arising Out of PS. Case No.-501 Year-2022 Thana- PIRO District- Bhojpur

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Ghura Pandey@ Biru Pandey@ Devbharat Pandey @ Bira Kumar Pandey
@Biru Kumar Pandey @ Dev Brat Pandey Son of Srinivas Pandey R/V-
Sikraul, P.S- Sikrahata, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-06-2023 Heard Mr. Ravindra Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner apprehends his arrest in connection with Piro P.S. Case No. 501 of 2022 registered for the offences punishable under Sections 353, 323, 307, 504, 506, 386, 387, 379 and 120B of the Indian Penal Code and Section 56(1)(2) of the Bihar Minerals (Concession, Prevention of illegal Mining, Transportation and Storage) Amendment Rules.

The allegation against the petitioner is of transportation of overloading sand in a truck without any valid paper. The name of the petitioner has been disclosed by a co-accused, who was apprehended by the police during the course of raid.



Learned counsel for the petitioner submits that the petitioner is nothing to do with the alleged seized vehicles or sand in question. He further submits that save and except disclosure made by the driver of the vehicle, there is no material against the petitioner. Furthermore, the co-accused Nirala Pandey against whom identical allegation has been levelled, has been allowed the privilege of anticipatory bail by the learned Co-ordinate Bench of this Court vide order dated 15.05.2023 passed in Cr. Misc. No. 10825 of 2023. He next submits that the name of the petitioner has been implicated on account of suspicion, apart from the fact that there are various other discrepancies in search and seizure.

On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner is found involved in one another case as has been mentioned in para-3 of the bail petition.

Regard being had to the submissions made on behalf of the parties and considering the fact that one of the co-accused having identical allegation has been allowed the privilege of anticipatory bail and save and except disclosure made by the driver, there is no other material, let the above named petitioner, be released on bail, in the event of his arrest or surrender before



the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Bhojpur at Ara in connection with Piro P.S. Case No. 501 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Harish Kumar, J)

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