

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14241 of 2023

Arising Out of PS. Case No.-141 Year-2022 Thana- LAKHNAUR District- Madhubani

SHIV SHANKAR JHA @ LALAN JHA S/O Late Satya Narayan Jha R/O
Village- North Tola Dubarbona, P.S- Lakhnour (RSOP), Jhanjharpur, District-
Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Gagandeo Yadav, Advocate Mr.Ravi Prakash, Advocate Mr.Vinod Kumar, Advocate Mr.Udeshya Kr. Yadav, Advocate
For the Opposite Party/s :	Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Lakhnour (R.S.O.P.) P.S. Case No. 141/2022 registered for the offences punishable under Sections 379, 411/34 of the Indian Penal Code and 56(2) of the Mining Act, 1952 and 21 of the Mines and Mineral Act, 1957 and 15 of the Environment Protection Act, 1986. He has one criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant made allegation in the F.I.R. that she seized two tractors which



involved in the illegal excavation of sand at Pipraghat and one person was also apprehended. She alleged that this petitioner is the owner of the seized tractor.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the soil from the land of the petitioner was loading on the truck.

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

Having regard to the kind of allegations in which this petitioner is said to be the owner of the tractor involved in illegal transportation and selling of sand used for construction work thievelly and this being a big menace in this area as also a loss to the public property and nation, this court is not inclined to grant privilege of anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is, thus, refused.

This application is dismissed.

It is submitted that, however, the entire penalty amount has been deposited by the petitioner.



In case, the petitioner has deposited the fine and penalty amount and he produces the receipt thereof at the time of his surrender, his prayer for grant of regular bail shall be considered on the same day keeping in view the deposits made by him.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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