

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15171 of 2023

Arising Out of PS. Case No.-322 Year-2022 Thana- PARBATTa District- Khagaria

RAJESH ROY @ RAJESH RAY Son of Suresh Chandra Roy Resident of
village - Govindpur, Kanhaiyachak, P.S.- Parbatta, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in a case registered for
the offence punishable u/s 379 & 411/34 of IPC, u/s 11, 56 (I)
(II) of Bihar Minerals Illegal and Mining Transportation Storage
Rules, 2019 (Amendment Rules 2021 and u/s 21(4)(I) Mines
and Minerals Act, 1957 and section 15 of Environment Act.

Allegation against the petitioner is that he is involved in
illegal mining of sand. During inspection, two tractors loaded
with white sand were found standing in front of Prakhand Office
and no valid papers or e-challan could be produced by the driver
of the Tractor. The accused persons are said to have committed
theft of Government revenue.

It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to ulterior motive. Petitioner is the owner of the said tractor seized by the police. There is no specific overt act against the petitioner. It is submitted that co-accused Manish Thakur was cutting sand and in the meantime, police came and caught him and seized the tractor. It is further submitted that the said soil was being cut from the field of the petitioner, therefore, no e-challan was required. Petitioner has one criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, 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 six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) 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 Parbatta P.S. Case No.322/2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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