

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16944 of 2023

Arising Out of PS. Case No.-964 Year-2022 Thana- SIKARPUR District- West Champaran

1. NAGENDRA SHAH S/o- Chhotelal Shah Resident of Village- Khiria, Ps- Shikarpur Dist- West Champaran Bihar-845455
2. Rakesh Kumar Gupta @ Rakesh Kumar Son of Nagendra Shah Resident of Village- Khiria, Ps- Shikarpur Dist- West Champaran Bihar-845455

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Kumar Singh

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 307, 504, 506, 379 of the Indian Penal Code and Sections 56, 11, 41 of the Bihar Mining Rule 2021 and 21 MM (DAR) Act, 1957 and 15 of the Environmental Rule, 1986.

The informant alleges that two tractors loaded with sand were apprehended.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent.

Learned counsel for the petitioners submits that the



petitioners have been falsely implicated in the present case, it is next submitted that the petitioners were not present at the place of occurrence and petitioner No. 2 is son of petitioner No. 1 and petitioner No. 1 is owner of the tractor. It is next submitted that, no doubt, the tractors were loaded with sand but then the petitioner had valid challan for the same as would be evident from *Annexure 2* to the anticipatory bail application, it is next submitted that that even the offence is compoundable but since the petitioner had valid challan with respect to the sand loaded on the tractors, as such, the same shall be produced before a competent authority so that the tractors get released from the Court.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions, the petitioners are directed to be released on provisional bail, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with



Shikarpur P.S. Case No. 964 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, it is made clear that the learned Trial Court shall verify on the date of surrender of the petitioners that their tractors have been released in pursuance of a valid challan and in the event if it is found that the tractors have not been released, then in that event, the learned Trial court shall be at liberty to cancel the provisional bail granted to the petitioners.

(Satyavrat Verma, J)

HarshPandey/-

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