

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34832 of 2023

Arising Out of PS. Case No.-562 Year-2021 Thana- PARBATTa District- Khagaria

Golu Kumar Son Of Late Vimal Kumar Singh @ Vimal Prasad Singh Village-
Nayagaon Ps- Parbatta Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-07-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 379, 411/34 of the Indian Penal Code Rules 56(1)(2) of the Bihar Minerals of Illegal & Mining Transportation & Storage Rules, 2021, Section 21 of MMRD, 1957 & Section 15 of the Environment Act 2015.

3. As per the prosecution case, the informant got secret information to the effect that some persons used to do illegal excavating of soil. When the informant reached there he saw some persons digging the soil from J.C.B. and loading the same on tractors, on seeing the informant they fled away from the place of occurrence.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. She submits that the chasis number of the tractor in question has wrongly been mentioned as Chesis No. 54S30053/58 in place of Chasis No. MEA62D61GF2057847. She further submits that the place of occurrence is the private land which belongs to one Sanjay Kumar Chaudhary, hence the offence under the alleged Sections and Rules are not applicable in instant case. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the fact that there is no specific overt act against the petitioner, 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. 562 of 2021, subject
to the condition as laid down under Section 438 (2) of the
Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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