

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38736 of 2023

Arising Out of PS. Case No.-668 Year-2022 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

SANJAY PASWAN son of Vindeshwari Paswan @ Vindeswari Paswan @
Bindeshwari Paswan Village- Saharbanni Ward no-7, Ps- Alauli Dist-
Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-08-2023 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 Section 379, 411, 34 of the Indian Penal Code, Section 11, 43, 56, 18(3) of the Bihar Minerals Concession and Prevention of Illegal Mining, Transport and Storage Act, 2019 and Sections 4, 21 of Mines and Mineral Development and Regulation Act, 1957.

3. As per the prosecution case, two tractors along with trailers in which 100 CFT white sand loaded were seized, causing revenue loss of Rs. 4,00,000/-. The petitioner is said to be the owner of the said vehicles.

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. Learned counsel for the petitioner



submits that the petitioner is ready to deposit the loss amount i.e. Rs. 4,00,000/- in the Mines Department within a period of six months. Petitioner has one 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, let the above named petitioner, be released on **provisional** bail for six months, 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 Simri Bakhtiyarpur (Bakhtiyarpur) P.S. Case No. 668 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. The provisional bail of the petitioner shall be confirmed by the learned Court below after depositing the loss amount i.e. Rs. 4,00,000/- in the Mines Department by the petitioner.

(Anjani Kumar Sharan, J)

anand/-

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