

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41143 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- MIRGANJ District- Purnia

Ashok Gupta @ Ashok Kumar Gupta S/o Late Shivdhar Gupta, R/O Village-
Mirganj, P.S. Mirganj, Dist. Purnea

... .. Petitioner

Versus

The State Of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Mirganj P.S. Case No. 04 of 2023 registered for the offences punishable under Sections 353, 379, 504/34 of the Indian Penal Code and Sections 4, 40 of Bihar Mineral Concession Rule 1972, Mines & Minerals (Development and Regulation) Act 1951 and Section 3, 8 of the Bihar Mineral (Concession, Protection of illegal Mining Transportation and Storage) 2003 and Section 15 of Environment Protection Act, 1986. He has got no criminal antecedent.

3. Learned counsel for the petitioner submits that the informant being the Mines Development Officer intercepted a truck allegedly loaded with stone dust more than the quantity



shown in challan and while the truck was being taken to Police Station, allegedly, the petitioner being owner got released the truck forcibly and he alleged to have abused the Home Guard Jawan.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no criminal antecedent.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the submission that the petitioner being the owner of the truck with valid challan but the allegation is that he was carrying excess load, in the nature of the allegations and the fact that the petitioner has no criminal antecedent, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Mirganj P.S. Case No. 04 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Sree Bhanu Pratap, Judicial Magistrate, 1st class, Purnea, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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