

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47594 of 2023

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

Punam Devi Wife of Late Ram Raksha Jha Resident of village - Sri Rampur
Thuthi, P.S. - Parbatta, Distt. - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Parbatta P.S. Case No. 322 of 2022 dated 23.07.2022 instituted for the offence punishable under Sections 379, 411, 34 of the Indian Penal Code and Section 11, 56(I)(II) Bihar Mineral And Illegals Mining Transportation Storage Rules 2019 (Amendment Rule 2021) and Section 21(4)(I) of Mines and Minerals Act, 1957 and Environment Act 15.

3. The prosecution case, in short, is that on 23.07.2022 at 03.10 pm, the informant along with associates, during inspection, seized two tractors bearing No. Mahindra 265 DF BR 34 G 6153 and No. Mahindra 475 DE NJTXO 1996 CE along with its trailers loaded with white sand. The trailers



attached to the tractors did not bear any registration number. On demand, the drivers of the tractors, who are accused in this case, failed to produce e-challan or legal documents for transporting the sand. It has also been alleged that both the accused person daily transport white sand illegally from the Ganga river.

4. Learned counsel for the petitioner submits that the petitioner is innocent and she has been falsely implicated in this case. It is further submitted that the petitioner was not present at the place of occurrence nor anything has been recovered from her possession. The petitioner has been implicated in this case only for the reason that she is the registered owner of the trailer bearing no. BR 34 G 5410 which was attached to tractor bearing no. BR 34 J 6153. Only on the basis of that the petitioner is the owner of seized trailer, she has been implicated in this case. Learned counsel for the petitioner further submits that Rajesh Roy @ Rajesh Ray, owner of one the seized tractor has been granted anticipatory bail vide order dated 16.05.2023 passed by a co-ordinate Bench of this Court in Criminal Miscellaneous No. 15171 of 2023. Lastly, it has been submitted that petitioner has one criminal case against her.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Parbatta P.S. Case No. 322 of 2022, she shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Khagaria subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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