

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53047 of 2022

Arising Out of PS. Case No.-56 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

AJAY SINGH Son of Late Bishuni Singh Resident of Village - Lerua, P.S.-
Sasaram (Muffassil), District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-01-2023 Heard learned counsel for the petitioner and the
State.

The petitioner apprehends his arrest in connection with Sasaram (Mufassil) P.S. Case No. 56 of 2021 for the offence registered under Sections 379 and 411 of the Indian Penal Code and Section 56 of the Minerals Act.

As per the prosecution story, the informant alleged that he along with police force after receiving information about storage of illegal sands went to the place when the accused persons escaped. However, two persons were apprehended namely, Bhagwan Sah and Sandeep Kumar. Further, a sand loaded truck bearing Registration No. UP65DT-0399 and a Tractor bearing Registration NO. NGNL 0916 were seized. Accordingly, the FIR was lodged.



Learned counsel for the petitioner submits that so far as recovery of the sand from the land is concerned, the same was sold by the brother of the petitioner and he had absolutely no concern with it. The further submission is that he has been implicated in number of such cases for the same reason. His last submission is that he is serving in the Indian Army posted at Military Hospital, Paharpur, Gaya and to this effect has annexed document as Annexure-3.

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

Taking into account the fact that the petitioner is serving in the Indian Army and according to him, he has no concern with the land where the sand was recovered/seized and ultimately he will be facing the trial, this Court is inclined to grant him relief.

Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram (M) P.S. Case No. 56 of 2021, subject to condition as laid down



under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha -

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