

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55557 of 2022

Arising Out of PS. Case No.-103 Year-2022 Thana- KESARIA District- East Champaran

ANANDI SAH, Son of Ramji Sah, Resident of Village - Ward no.11,
Dhekhan, P.s.- Kesariya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 23-01-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code and Section 56(1) of Bihar Minerals (Concession and Prevention of Illegal Mining, Transportation and Storage) Rules, 2019.

As per the prosecution case, stolen sand was being loaded on the Essar Tractor. On seeing the police, the driver of the said tractor managed to escape from there leaving the tractor.

Learned counsel for the petitioner has submitted that the



petitioner is innocent and has been falsely implicated in this case. He has further submitted that the petitioner is not named in the F.I.R. Nothing has been recovered from the possession of the petitioner. The petitioner is the owner of the seized tractor and he was not present at the time of place of occurrence. The petitioner has got clean antecedent as stated in para 3 of the bail petition.

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

Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/ surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Motihari, East Champaran in connection with Kesariya P.S. Case No. 103 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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