

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60066 of 2023

Arising Out of PS. Case No.-325 Year-2023 Thana- SONEPUR District- Saran

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Shashi Bhushan Sah Son of Late Shiv Lal Sah, R/o vill - Maghardahi, ward
no. 15, P.S. - Samastipur, Distt. - Samastipur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Mining Officer, Mines Department, Saran at Chapra Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 11-10-2023 1. Heard learned counsel for the petitioner and learned APP
for the State.
2. The petitioner apprehends his arrest in connection with
Sonepur P.S. Case No. 325 of 2023 dated 07.05.2023, registered
for the offences punishable under Sections 188, 379 and 420 of
Indian Penal Code and Sections 4 and 21 of the MMDR Act and
Sections 11 and 56 of the Bihar Mineral (Concession Prevention
and Illegal Mining, Transportation and Storages) Rules.
3. The main submissions advanced by learned counsel for
petitioner are that as per allegation, five trucks were found loaded
with sand without a challan and thereafter the said trucks were
seized and the petitioner is stated to be the registered owner of one
of the said trucks, but, in actual, petitioner's truck was loaded with
sand with a valid challan issued on 02.05.2023 and thereafter, the

petitioner's truck broke down on its way and could not transport the loaded sand and in the meantime, his truck was seized and after the institution of the FIR, the petitioner filed one application vide Annexure- 5 before mining officer and along with this bail petition he has also filed the challan's copy which was issued in respect of petitioner's truck on 02.05.2023 vide Annexure-3 and the petitioner has fair and clean antecedent and the alleged offences of the FIR are not made out against him.

4. Learned APP for the State opposes the bail prayer of the petitioner.

5. Considering the above submissions and mainly the petitioner's defence discussed above as well as his fair and clean antecedent, this Court is inclined to accept his anticipatory bail prayer. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail in connection with **Sonepur P.S. Case No. 325 of 2023**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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