

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63351 of 2023

Arising Out of PS. Case No.-692 Year-2022 Thana- AMARPUR District- Banka

AMIT KUMAR SINGH SON OF NAKUL PRASAD SINGH RESIDENT
OF VILLAGE - MANJHALA CHAK, P.S. - SAJOUR, DISTRICT - BANKA
... .. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Amarpur P.S. Case No. 692 of 2022 dated 05.12.2022, instituted for the offence punishable under Sections 379, 411 of the Indian Penal Code and Section 56 of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019, Section 21 of Mines and Minerals (Development and Regulation) Act, 1957 and Section 15 of Environment Protection Act, 1986.

3. The prosecution case, in short, is that the police intercepted two tractors loaded with sand and no one came forward to furnish *challan* regarding sand loaded on the aforesaid tractors. The F.I.R. has been registered against the driver and the owner of the said tractors.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner has not been named



in the F.I.R.. Only on the basis of statement given by local people, the petitioner's name has come as driver of the said tractors. It is submitted that he had left the job two months prior to the alleged occurrence. It is further submitted that petitioner has not been arrested on the spot. Neither any articles has been seized from the possession of the petitioner nor from his house. Lastly, it has been submitted that the petitioner has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for 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 in connection with Amarpur P.S. Case No. 692 of 2022, he 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 Chief Judicial Magistrate, Banka, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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