

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63440 of 2022

Arising Out of PS. Case No.-150 Year-2021 Thana- BEERPUR District- Begusarai

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ARVIND KUMAR @ ARVIND SINGH Son of Late Ram Balak Singh
Resident of Ward No.-2, Dihpar, P.S.- Birpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rahul Kumar Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in a case registered for the offence punishable u/s 341, 353, 411/34 of the IPC and 21 B.M. (C.P. of I.M.T. & S.) A Rule 2021 & Mines & M(DS R.I. Act 1957 & 56(1) & (2) B.M.C.P. of I.M.T.P.B.S. 2021 & 15 E. Act, 1986.

As per prosecution case, in course of inspection, a tractor with trolley loaded with white sand was intercepted and on demand of e-challan, no document was produced by the driver. He disclosed his destination as the brick kiln of the petitioner.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He



has been falsely implicated in this case with ulterior motive. Petitioner is a brick kiln owner and has obtained the certificates in this regard from the Bihar State Pollution Control Board and he also holds the permit of District Mining Officer. It is submitted that there is no specific overt act against the petitioner. Nothing has been recovered from the conscious physical possession of the petitioner. The sand recovered from the bank of the river does not belongs to the petitioner and there was no wrongful restraint on the part of the petitioner, who was not even present at the spot. It is further submitted that owner of the tractor/trolley has been enlarged on anticipatory bail by order dated 05.09.2022, passed in Cr. Misc. No.9462/2022, by a co-ordinate Bench of this Court and petitioner has no criminal antecedent.

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

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court



below where the case is pending/Successor Court in connection
with Birpur P.S. Case No.150/2021, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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