

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74758 of 2023

Arising Out of PS. Case No.-582 Year-2022 Thana- AMARPUR District- Banka

Ambo Paswan, Son of Khantar Paswan, Resident of Village Rajapur P.S
Amarpur District Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 02-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Amarpur P.S. case No. 582 of 2022 instituted for the offences
under Sections 379, 411 of the Indian Penal Code, 21 of the
MMDR Act, 56 Bihar Minerals Concession Prevention of
Illegal Mining Transportation & Storage Rules, 2019; 15 of the
E.P.F., Act 1986.

3. As per the prosecution case, the petitioner and other
co-accused persons are indulged in the illegal mining and
transportation of sand near *Birma Sand Ghat*. On seeing the
police, all the accused persons boarded on tractors and
motorcycles tried to flee away but one co-accused person,



namely Vipin Kumar Singh was apprehended on the spot.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 16.08.2023 and has one criminal antecedent of similar nature. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has falsely been implicated in the present case. Petitioner has been named in the FIR only on the basis of confessional statement of the co-accused, namely Vipin Kumar Singh, who was apprehended on the spot. He further submitted that the co-accused who was apprehended on the spot and disclosed the name of the petitioner has been granted bail by the learned C.J.M., Banka on 03.11.2022 (As per paragraph-10 of the bail petition).

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Amarpur P.S. case



No. 582 of 2022, subject to the following conditions:-

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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