

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24334 of 2024

Arising Out of PS. Case No.-169 Year-2022 Thana- RAJAON District- Banka

Shalendra Paswan Son of Sukhdev Paswan Resident of Village- Rajapur,
Police Station- Amarpur, Dist.- Banka

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 01-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Rajoun P.S. Case No. 169 of 2022 dated 23.04.2022, instituted for the offence punishable under Sections 379/411 of the Indian Penal Code, Section 11/41(2) of Bihar Minerals (Concession Prevention of Illegal Mining, Transportation and Storage) Rule 2019, Section 4(1) of MMDR Act, 1957 and Section 15 of the N.G.T. Act.

3. The prosecution case, in short, is that on 23.04.2022, the informant along with other police personnel conducted a raid at Rampur Ghat and intercepted a tractor bearing engine No. 391355/SUG05893 for illegally loading the sand. It is further alleged that the driver succeeded in fleeing



away and no one came forward to furnish the challan. Thereafter, the informant seized the aforesaid tractor and lodged the present case against the petitioner, who is the owner of the said tractor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further stated that the petitioner is owner of the seized tractor. It is further submitted that two F.I.Rs have been lodged against the petitioner for the same occurrence vide Rajoun P.S. Case No. 167 of 2022 and Rajoun P.S. Case No. 169 of 2022 (present case). It is further submitted that the petitioner has already been granted bail in Rajoun P.S. Case No. 167 of 2022 by the learned lower court itself after depositing fine amount in favour of the mining department. 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 within a period of six weeks from today, in connection with Rajoun P.S. Case No. 169 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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