

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43089 of 2024

Arising Out of PS. Case No.-16 Year-2024 Thana- SONO District- Jamui

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Sandheer Kumar Ray @ Sandheer Kumar @ Sandir Kumar son of Narayan
Ray Village- Devpura Ps- Dalsinghsarai Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 20-07-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Sono P.S. Case no. 16 of 2024, registered under sections 379, 419, 420, 467, 468, 471 and 411 of the Indian Penal Code, section 21 of the MMDR Act and section 56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rule, 2019.

3. As per the prosecution case, two trucks with the same registration ie BR09GA6403 were caught carrying illegal sand to the tune of 940 cubic ft and 1000 cubic ft respectively. While the driver and *khalasi* of one of the trucks were taken into custody, the driver of the other truck ie the petitioner herein managed to escape.



4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. One of the allegations from reading of the FIR is that both the trucks were carrying the same registration number. Referring to the letter dated 25.1.2024 (Annexure P/2), it is submitted that the same was an error committed by the authorities and the registration number of the petitioner's truck was corrected to BR09GA8899. Learned counsel for the petitioner further submits that so far as carrying of the illegal sand is concerned, requisite fine has been deposited against the two trucks on 21.2.2024 and 1.3.2024 and the receipts brought on record as Annexure-4 series to this petition. The petitioner has no criminal antecedent and undertakes to cooperate in the case.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner, the petitioner not having any criminal antecedent and the requisite fine against the two trucks including that being driven by this petitioner having been deposited with the respondent authorities vide receipt brought on record as Annexure-4 series to this petition, it is directed that the



petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Sono P.S. Case no. 16 of 2024, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Jamui.

(Partha Sarthy, J)

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