

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43122 of 2024

Arising Out of PS. Case No.-274 Year-2023 Thana- POTHIIYA District- Kishanganj

Asorul Haque @ Md. Asirul Haque @ Asirul Haque Son of Ikramuddin R/O
Vill.- Gola Panbara, P.S.- Pothia, Dist.- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar through Secretary, Department of Bihar Mines and
Mineral, Bihar, Patna PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Adv
For the Opposite Party/s : Mr. Naresh Dikshit, APP
Mr. Brij Bihari Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner apprehend his arrest in connection with Pothia P.S.Case No. 274 of 2023 dated 24.12.2023 instituted for the offence punishable under Sections 147, 149, 341, 323, 332, 379, 411, 504, 506 of the Indian Penal Code and Section 56 of Bihar Mineral Rule 2019 and Section 21 of MMDR Act and Section 15 of Environment Protection Act 1986.

3. As per the prosecution case, when the Mines inspector reached the Mahanadi River, he saw the driver was loaded and unloaded the sand from the tractors by Hydraulic machine. It is alleged that 20-25 unknown persons came there



and started altercation with the raiding party and tried to release the seized tractor. There was 20-25 unknown persons who were involved in the illegal mining and selling of sand.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that petitioner is owner of the seized tractor bearing Registration no. WB91-5269 and the tractor was seized at abandoned place without driver. It is submitted that no sand was recovered from the seized tractor.. It is further submitted that petitioner not indulged in the business of sell and purchase of sand. The petitioner has got two criminal antecedent in which he is on bail.

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

6. Having considered the facts and circumstances of the case and submissions of the 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 Pothia P.S.Case No. 274 of 2023 he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj or appropriate



Court Below, subject to condition as laid down under Section
438(2) of the Cr.P.C.

7. The application stands allowed.

(Khatim Reza, J)

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