

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46521 of 2024

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

Md. Rizuan Alam Son of Fajlur Rahaman R/O Vill.- Madhy Chitalghata,
Uttar Dinajpur Sonapur Hat P.S.- Uttar Dinajpur, Dist.- Uttar Dinajpur, West
Bengal

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Sinha

For the Opposite Party/s : Mr.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence under Sections 147, 149, 341, 323, 332, 353, 379, 411, 504, 506 of the Indian Penal Code, Section 21 of the MMDR Act, 1957, 56 of Bihar Mineral (Concession Prevention of illegal Mining, Transportation & Storage) Rule, 2019 and 15 of Environment Protection Act, 1986.

3. Petitioner and others are alleged to have indulged in illegal mining, storage and transportation of sand and thus, they caused loss of amount of Rs. 47,47,947/- (Rupees forty seven lacs forty seven thousand nine hundred forty seven) to the government exchequer.

4. Learned counsel for the petitioner submits that



petitioner has been made accused in this case merely because he happens to be owner of seized tractor, bearing registration no. WB37D-8605. As a matter of fact, seized tractor of the petitioner was being used by his friend Md. Rizwan for agriculture purpose, but after few days, petitioner came to know that his tractor was seized by the police for carrying sand illegally. However, at this stage, without admitting the allegation, petitioner is ready to deposit **Rs. 1,00,000/- (Rupees one lac)** in the Nazarat of the Civil Court, which will be subject to result of the case, for which, learned counsel for the State does not oppose.

5. Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Pothia P.S. Case No. 274 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further following conditions:

“(A) At the time of furnishing bail-bond, the petitioner shall deposit **Rs. 1,00,000/- (Rupees one lac)** in the Nazarat of the Civil Court, Kishanganj



and receipt of the same shall be furnished
alongwith bail-bond in the Court below.

(B) The aforesaid payment shall be subject to
final outcome of the case.

(C) If petitioner fails to comply the direction
of this Court, the learned Court below would be at
liberty to cancel the bail-bond of the petitioner.”

6. This order has been passed, without going into the
merit of the case, only for the purpose of considering the prayer
for anticipatory bail of petitioner.

(Prabhat Kumar Singh, J)

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