

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69740 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- NTPC KHAIRA District- Aurangabad

Hemant Kumar Son of Dipnarayan Chaudhary R/O Vill.- Kajraine, P.S.-
N.T.P.C., Khaira, Dist.- Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-10-2024 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 offences punishable under Sections 379, 411, 34 of the Indian Penal Code.

3. As per FIR, the petitioner is said to be involved in illegal mining of sand. It is further alleged that on the basis of secret information, when the informant along with police personnel reached near Sone river, seeing the police, the accused persons including the petitioner started fleeing away with a tractor and finally succeeded in the same leaving behind a loaded trailer.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place.



He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. He has been made accused in the present case as owner of Swaraj Tractor No. BR26GC1012, which was neither seen nor seized from the spot. He was not apprehended on the spot. It is further submitted that from the seizure list, it appears that only a trailer has been seized from the spot upon which name of one Anuj Kumar Chauhan as well as Neha Subham Chauhan is written. Petitioner has no concern with the recovered trailer. It is further submitted that the petitioner has already deposited the fine i.e. Rs. 36,000.00 to the Authority concerned on 02.07.2024, which is also evident from Annexure-2. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, since the petitioner has already deposited the fine to the Authority concerned, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of the learned Court below where the case is pending/successor Court in connection with N.T.P.C. Khaira P.S. Case No. 28 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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