

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78501 of 2023

Arising Out of PS. Case No.-70 Year-2023 Thana- HALSI District- Lakhisarai

Sunil Kumar Mahton @ Sunil Kumar, Son Of Chandrika Mahton, Resident
Of Village - Rata, P.S. - Halsi, District - Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 07-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Halsi P.S. Case No. 70 of 2023, registered for the offences under Sections 341, 323, 332, 353, 379/34 of the Indian Penal Code, Section 21 of M.M (D & R) Act, 1957 and Rule 56(2) of B.M. (CPIMTS) Amendment Rule, 2021.

3. As per prosecution case, while on patrolling against illegal sand mining, the informant found a tractor loaded with sand parked at a certain place. The petitioner, who was standing there, claimed himself to be the driver and while the process of seizure has been taking place, the petitioner threw away keys of the tractor to the co-driver-cum-



owner of the tractor who fled away with illegally mined sand.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is apparent that petitioner is the driver of the tractor and has nothing to do with the illegally mined sand as he performed his duty on the saying of the owner of the tractor who has been made co-accused in this case and has been granted regular bail after depositing the fine in the office of Mineral Development Department. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the completely vague nature of allegation against the petitioner and also considering the clean antecedent of the petitioner coupled with possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st



Class, Lakhisarai/court concerned in connection with Halsi P.S.
Case No. 70 of 2023, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure and
other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

balmukund/-

U		T	
---	--	---	--

