

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3864 of 2024

Arising Out of PS. Case No.-209 Year-2023 Thana- TEKARI District- Gaya

Pintu Kumar @ Pintu Kumar Ram Son Of Ashok Kumar Resident Of Village-
Jethwar @ Jethbar, Ps- Trari, Ara, Distt- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kashis Kamal, District Mine Inspector, Dist- Gaya Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Saxena, Advocate
For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Mr.Anil Kumar Saxena, learned counsel for
the petitioner and Mr.Ganesh Prasad Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Tekari P.S.Case (Panchanpur O.P.) No.209 of 2023, FIR dated 27.03.2023 registered for the offences punishable under Sections 379,411,120(B)/34 of IPC, 21MM(DR) Act, 1957, Rule-21 of Bihar Mining Rule-2019, Rule-11/18 Amendment New, 2021, Section 56 of Environment Mention Act, 1986, Section 15 written report.

3. As per FIR, allegation against the petitioner is that he allowed intentionally his tractor for illegal sand mining when accused was asked to show the paper regarding the sand mining



and licence, he could not be produced.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that initially the petitioner was not named in the FIR. The name of the petitioner has been transpired during investigation on the basis that the petitioner is owner of the tractor in question and the petitioner has deposited the fine amount in the office of the District Mining Office, Gaya and the District Mining Officer had issued a letter addressed to the Officer-in-charge of Panchanpur O.P. that the petitioner has deposited Rs.35,650/-.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released 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 I/C A.C.J.M.-VI, Gaya in connection with Tekari P.S.Case (Panchanpur O.P.) No.209 of 2023, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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