

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11090 of 2025

Arising Out of PS. Case No.-968 Year-2023 Thana- SHERGHATI District- Gaya

Dharmendra Kumar Son of Late Bijendra Prasad R/O -Village- Sevdaha Tola,
P.S.- Dhanarua, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey, Advocate

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 12-05-2025 Heard Sumit Shekhar Pandey, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending arrest in connection with Sherghati P.S. Case No. 968 of 2023 instituted under Sections 285, 379, 411, 414, 120(B) of the Indian Penal Code and 7 of EC Act, 1955 and 3A of Hazardous Substance Act and 15 Environmental Protection Act, 1986 lodged on 11.09.2023 by the informant, Nirmal Kumar.

3. As per the prosecution story, the informant, an Executive Officer, Sherghati Sub-Division alleged on secret information about illegal trading of inflammable materials (petrol/diesel). The Line Hotel was raided and there is



recovery/seizure of 5,700 liters of diesel and 400 liters of petrol which led to the FIR.

4. Learned counsel for the petitioner submits that the Line Hotel does not belong to the petitioner. He runs a brick kiln at Dhanarua, Patna. The said Line Hotel is in collaboration with Surendra Prasad, he had no knowledge about the presence of inflammable materials at the said place.

5. The petitioner has no criminal antecedent and to show his bonafide, he would like to contribute Rs.50,000/- to the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India.

6. Learned APP opposes the prayer submitting that his name has come in the FIR.

7. Taking into account the aforesaid facts as also the petitioner has no criminal antecedent, he has given undertaking to face the trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 50,000/- to the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a



period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Sherghati P.S. Case No. 968 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Gaya subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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