

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41060 of 2025

Arising Out of PS. Case No.-566 Year-2022 Thana- AMARPUR District- Banka

1. Md. Tarik S/o Md. Jafir Resident of village-Sangrampur P.S-Amarpur District-Banka
2. Md. Shahrukh Khan @ Md. Sharuk S/o Md. Jafrul Khan @ Md. Jafrul Ansari @ Md. Jafroul Resident of village-Sangrampur P.S-Amarpur District-Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Mishra, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 08-10-2025

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Amarpur P.S. Case no. 566 of 2022 (G.R. no. 3226 of 2022) registered under sections 379, 411, 353 and 307/34 of the Indian Penal Code, section 21 of the Mines and Minerals (Development and Regulation) Act, 1957, section 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019 and section 15 of the Environment (Protection) Act, 1986.

3. As per the prosecution case, the informant states



that having received information about illegal mining and transportation of sand, the tractor in question was stopped and the driver was taken into custody. It is stated that the driver disclosed his name as Mangal Tanti and also disclosed the name of the owner of the tractor as Md. Jafrul Ansari. It is thereafter stated that the other named accused persons including five others started an altercation with the police personnel and as a result of the violent protest, the accused, who had been taken into custody, managed to flee away.

4. Learned counsel for the petitioners submits that the petitioners are not named in the FIR. They were falsely implicated in the case in course of investigation wherein their name was allegedly taken by Mangal Tanti, the driver of the vehicle in paragraph no. 69 of the case diary. The petitioners have no role to play in the entire occurrence. They have no criminal antecedent and undertake to cooperate in the investigation/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioners in the F.I.R., the petitioners not being named therein, the name



of the petitioner having transpired in course of investigation in the statement recorded in paragraph no. 69 of the case diary and specially the petitioners not having any criminal antecedent, in the facts of the case, it is directed that both the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Amarpur P.S. Case no. 566 of 2022 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to satisfaction of the learned Chief Judicial Magistrate, Banka.

(Partha Sarthy, J)

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