

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42568 of 2015

Arising Out of PS.Case No. -170 Year- 2015 Thana -RAJAULI District- NAWADA

Sanjay Yadav @ Sanjay Kumar S/o Mahadeo Yadav @ Mahadeo Prasad
Resident of Village Mahsai, P.S. Rajauli, District Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Nand Kumar (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Rajauli P.S. Case No. 170 of 2015 registered for offences
punishable under Sections 379, 287 and 414 of the Indian Penal
Code and Section 40 of the Bihar Minor Mineral Concession
Rules, 1972 and Section 8 of the Bihar Mineral (Illegal Mining,
Transportation Storage, Disposal) Rules, 2003.

The prosecution case, in short, is that Sri Anand
Prakash Singh informed the informant that illegal mining for
earning illegal profit is being done at village Bauri Kala by the
accused persons. On receiving the information, police arrived at
village Bauri Kala where police found that several machines were



installed for illegal mining. On seeing the police, accused persons fled away from the place of illegal mining. It is further alleged that at 11:00 A.M., an information was received that accused persons are destroying and removing all the papers relating to illegal mining. On information, police reached there and seized several incriminating articles, as mentioned in the seizure list.

It has been submitted by the counsel for the petitioner that petitioner is innocent and has no concern either with the articles seized from the place of illegal mining or with any document on the basis of which he is being dragged in the said act of illegal mining.

Learned A.P.P, however, draws my attention to paragraph 18 of the case diary, which indicates that several machines were found installed at the place of illegal mining, and submits that the petitioner is accused in five other cases, all relating to illegal mining.

After perusal of the documents and the case diary, I am not inclined to grant the privilege of anticipatory bail to the petitioner. This application is, accordingly, rejected.

However, petitioner may surrender before the learned Chief Judicial Magistrate, Nawada in connection with Rajauli P.S. Case No. 170 of 2015 for grant of regular bail, which should be

considered and disposed of on its own merit, without being prejudiced by this order.

(Nilu Agrawal, J.)

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