

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60169 of 2017

Arising Out of PS. Case No.-97 Year-2017 Thana- DEHRI TOWN District- Rohtas

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1. Pravin Yadav @ Master S/o Kameshwar Yadav @ Kameshwar Singh R/o Village - Talwan Bigha, P.S.- Dehri, District - Rohtas.
 2. Anil Yadav S/o Chandrama Yadav
 3. Umesh Yadav S/o Bishundeo Yadav
- Petitioner nos. 2 & 3 are R/o Village - Gopibigha, P.S. - Dehri, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Siddharth Harsh, Adv.
For the State	:	Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-12-2017 Heard learned Counsels for the petitioners and learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 353 of the Indian Penal Code, section 40 (1) of the Bihar Minor Mineral Concession Rules, sections 40(1A)/21(1) of the Mines and Minerals (Development and Regulation) Act and Sections 33, 41, 42 of the Indian Forest Act.

Prosecution case is that in view of the order of the senior official, Sunil Kumar, Officer I/C Dehri (Nagar) Police Station along with other officials of the mining department and forest department raided the places, where illegal mining



operations were going on. Several mining units were destroyed where crusher machine, one old generator, twenty feet rubber belt and seven register were seized and altogether 31 persons were named in the FIR for operating illegal mining.

It is submitted by learned counsel for the petitioner that in fact the FIR has maliciously been lodged as no minerals were seized nor any crusher machines have been seized which suggests that no mining operation was going on. There is nothing on record to suggest that any seizure has been made from the possession of the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned Counsel appearing on behalf of the Mining Department that illegal mining operation is going on which led to the raid and seizure and investigation is still pending.

Considering the omnibus and general nature of accusation and statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of



Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Dehri, Rohtas, in connection with Dehri (Nagar) P.S. Case No.97 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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