

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7400 of 2019

Arising Out of PS. Case No.-154 Year-2018 Thana- ROSHANGANJ District- Gaya

1. MANOJ KUMAR, S/o Late Nagina Prasad Resident of Village-Azamgarh,P.S-Raushanganj, Distt.- Gaya.
2. Manish Kumar, son of Anugrah Prasad Village-Bihargain,P.S-Raushanganj,Distt.-Gaya
3. Abhay Kushwaha @ Abhay Kumar, son of Manjhari Mahto Village-Azamgarh,P.S-Raushanganj,Distt.-Gaya.
4. Rajesh Kumar, son of Chandramani Prasad, Village-Jamuara,P.S-Raushanganj,Distt.-Gaya.
5. Ankit Kumar @ Ankit Kumar Madhukar, son of Mundarik Prasad Village-Ajamgarh,P.S-Raushanganj,Distt.-Gaya.
6. Anish Kumar, son of Birendra Prasad Village-Ajamgarh,P.S-Raushanganj,Distt.-Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Gangesh Gunjan, Adv.
For the Opposite Party/s : Mr. Sumit Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-02-2019 Heard learned counsel for the petitioners and learned
Special P.P. for the Department of Mines.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 379/34 of the Indian Penal Code and Sections 4/21 of The Mines & Minerals (Development & Regulation) Act, 1957 and Rules 4/40 the Bihar Minor Mineral Concession Rules, 1972.

The prosecution case got initiated on the basis of written



report of Enforcement Officer, District Mines Office, Gaya to the Station House Officer, Raushanganj Police Station is to the effect that on 07.10.2018 one Sanjay Prasad who is settle of Raushanganj sandhghat made complaint that 15 accused persons have illegally conducted sand mining.

It is submitted by learned counsel for the petitioners that there is no recovery from the petitioners and only on the basis of suspicion, the accusation has been levelled against them and considering the same, co-accused Rajesh Sao and Shreu Khan have been granted anticipatory bail vide order dated 01.02.2019, passed in Criminal Miscellaneous No. 5772 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned Special P.P. for the Department of Mines that due to illegal mining huge loss is being caused to the public exchequer.

Considering the accusation being omnibus and general and there being no recovery of illegal mined sand from the petitioners, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioner 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 ACJM, Sherghati, Gaya, in connection with Raushanganj P.S. Case No.154 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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