

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23341 of 2015

Arising Out of PS. Case No.-135 Year-2013 Thana- SHEKHPURA District- Sheikhpura

Baleshwar Prasad Yadav S/o Late Ramji Yadav Resident of Purani Shahar
Barbigha, P.S. Barbigha, District Sheikhpura.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Mineral Development Officer Sheikhpura.
3. Raj Kishore Singh, Draftsman, District Mining Officer, Sheikhpura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bharat Lal, Advocate
For the Opposite Party/s : Mr.J.Upadhyay APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-11-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

It appears that in the First Information Report lodged by the Mining Inspector, Sheikhpura. It has been alleged that the petitioner has indulged in illegal mining with the help of Poklane Machine made available by Gauri Shankar Prasad had exceeding the mining lease area. After investigation police has submitted charge-sheet against the petitioner and the learned Judicial Magistrate, 1st Class, Sheikhpura has thereafter on perusal of the records took cognizance of the offences.

In the present petition the petitioner has raised a submission that he is a bonafide lease holder and the quarrying



work was done within his leased area. The petitioner has also challenged the inspection report submitted by the Mining Inspector saying that the same is a fake report.

This court is of the considered opinion that the issues raised by the petitioner are issues of facts which cannot be decided by this court in it's jurisdiction under Section 482 Cr.P.C. No illegality or infirmity may be found with the impugned order.

The application is dismissed with liberty to the petitioner to raise all such plea which are available to him at the time of framing of charge.

(Rajeev Ranjan Prasad, J)

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