

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69605 of 2019

Arising Out of PS. Case No.-401 Year-2015 Thana- BIHTA District- Patna

SURESH YADAV, aged about 30 years, Gender-Male, Son of Sri Manu Yadav, Resident of Village - Pareb, P.S.- Bihta, District – Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Adv.

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-11-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 379 of the Indian Penal Code and Sections 6 and 8 of the Bihar Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003 and Sections 40 and 49 of the Bihar Minor Mineral Concessions Rules, 1972.

Prosecution case in brief is that one Vandana Kumari, who happened to be the informant of this case, lodged the aforesaid FIR alleging therein that the petitioner and others were involved in business and storage of sand without having proper licence and violating the provisions of Bihar Minor Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003 and Bihar Minor Mineral Concession Rule, 1972.

Learned counsel for the petitioner submits that the



petitioner is innocent and falsely implicated in this case. Other co-accused have been granted anticipatory bail by the court below. The recovered sand does not belong to the petitioner.

Learned counsel for the petitioner further submits that the anticipatory bail application has been rejected vide A.B.P. No. 5017 of 2019 on 04.09.2019 by the court below. The petitioner joined Military Service on the post of gunner on general duty and subsequently he retired and has been discharged from his service on 28.02.2019. The petitioner has no criminal antecedent.

In the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-6th, Danapur at Patna, in connection with Bihta P.S. Case No. 401 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

amitkumar/-

U		T	
---	--	---	--

