

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11392 of 2020

Arising Out of PS. Case No.-97 Year-2019 Thana- KADIRGANJ District- Patna

AWADH YADAV Son of Ramashish Yadav Resident of Village - Daulatpur,
P.S.- Kadirganj, District- Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Managing Director , Mines and Minerals concession Dept. Govt of Bihar
Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Siddhartha Prasad
For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 30-09-2020 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner apprehends his arrest in in Kadirganj
P.S. Case No. 97 of 2019, registered for the offence punishable
under Sections 379, 411 of the Indian Penal Code and section
4/40 of the Bihar Minor Mineral Concession Rules and Rule 3,
6, 8 of the Bihar Mineral (Prevention of Illegal Mining,
Transportation and Storage) Rules.

As per the prosecution case, informant who is officer



of Mining Department Patna along with team reached at Dardha Nadi Masaurhi on 29.08.2019 and raided illegal collection of sand from the bank of Dardha Nadi and found 3000 Ghan feet sand east side of river, 4000 Ghan feet near Daulatpur and Agarpur west side of brickkiln, 1000 ghan feet of sand near 100 meter far from Daulatpur near Banswari Dardha Nadi, 1000 Ghan feet illegal sand found to Sukhari Prasad and Uday Prasad and 1000 ghan feet sand found on the road side.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case. No incriminating article has been recovered from his possession. Recovery has been made from a public place.

Learned counsel for the State opposes the prayer for bail. He submits that the petitioner has got criminal antecedent and is accused in two more cases of similar nature.

Considering the aforesaid facts and criminal antecedent of the petitioner, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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