

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9457 of 2020

Arising Out of PS. Case No.-1 Year-2016 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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Ramesh Yadav @ Ramesh Kumar Yadav, S/o Late Baleshwar Yadav Resident
of Village- Sapahi, P.S.- Domchanch, District- Kodarma (Jharkhand).

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Bihar Minor Mineral Concession, Patna. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Sinha
For the Opposite Party/s	:	Mr. Shantanu Kumar
For the Mines	:	Mr. Naresh Dikshit.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
G.O. Case No.01 of 2016, registered for the offence punishable
under Sections 33, 41, 42 of Indian Forest Act.

As per the prosecution report submitted by Forest
Range Officer on 24.12.2015, the informant along with other
Forest personnel during the course of patrolling reached near
Sawaiya Tand protected forest and saw that one JCB machine
along with 10-12 persons were doing illegal mining of Mica,
upon which the informant and other forest personnel proceeded
towards place of occurrence and tried to seize the JCB machine



and also tried to arrest the persons who were involved in the illegal mining of Mica but the persons involved in illegal mining fled away along with JCB machine. The informant recovered five bags of mica, one iron hammer and iron Chheni besides five bamboo bucket were seized and accordingly seizure list was prepared.

Mr. Ashok Kumar Sinha, learned counsel appearing for the petitioner submits that no incriminating material has been recovered from the possession of the petitioner and JCB machine which was available there also could not be seized by the forest personnel.

On the other hand, Ms. Kalpana, learned counsel appearing for the Mining Department vehemently opposes the prayer for bail and submits that petitioner along with other persons were indulged in illegal mining of Mica.

Learned counsel appearing on behalf of the State submits that the petitioner has been identified by the forest guard also.

Having heard learned counsel for the parties and taking into consideration the fact that petitioner has been implicated in this case only on the basis of identification being made by the forest guard and no incriminating material has



been recovered from the conscious possession of the petitioner,
I am inclined to grant anticipatory bail to the petitioner.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with G.O. Case No.01 of 2016, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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