

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 30698 of 2020

Arising Out of PS Case No.-354 Year-2019 Thana- DHANARUA District- Patna

Shyam Yadav @ Shyam Nandan Prasad, aged about 55 years, (Male) Son of
Moti Yadav, Resident of Gularia Bigha, PS-Dhanarua, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gajanan Mishra, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 30-01-2021

Heard Mr. Gajanan Mishra, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Dhanarua PS Case No. 354 of 2019 dated 28.08.2019, instituted under Sections 379 of the Indian Penal Code and 4/40 of the Bihar Minor Mineral Concession Rules, 1972 and 3/8 of the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003.

3. The allegation against the petitioner is that part of illegal sand which was recovered by the police belonged to him.



4. Learned counsel for the petitioner submitted that a strange FIR has been lodged in which, though the petitioner was not caught and also no direct link connecting the sand to the petitioner was found but it is said that the local people informed that part of the sand belonged to the petitioner. It was submitted that one tractor was also recovered but the same does not belong to the petitioner. Learned counsel submitted that the petitioner has no criminal antecedent.

5. Learned APP submitted that the petitioner was indulging in illegal sand mining. However, he did not controvert the fact that the so-called sand was neither recovered from the land belonging to the petitioner nor the tractor which was seized belonged to him.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Masaurhi, Patna in Dhanarua PS Case No. 354 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the



bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

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