

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2877 of 2022

Arising Out of PS. Case No.-185 Year-2021 Thana- GANGABRIDGE District- Vaishali

1. LAKHAN DEV KUMAR @ LAKHAN DEV RAI Son of Girija Rai Resident of Village - Terasiya, P.S. - Ganga Bridge, District - Vaishali.
2. Vinay Kumar @ Vinod Rai Son of Rajendra Rai Resident of Village - Saifpur, P.S. - Ganga Bridge, District - Vaishali.
3. Pramod Kumar @ Pramod Rai Son of Asharfi Rai Resident of Village - Saifpur, P.S. - Ganga Bridge, District - Vaishali.
4. Sanjeet Kumar Son of Devendra Rai Resident of Village - Terasiya, P.S. - Ganga Bridge, District - Vaishali.
5. Shashi Kapoor @ Shashi Rai Son of Sahdu Rai Resident of Village - Terasiya, P.S. - Ganga Bridge, District - Vaishali.
6. Ajay Rai Son of Yugeshwar Rai Resident of Village - Terasiya, P.S. - Ganga Bridge, District - Vaishali.
7. Manoj Kumar @ Manoj Rai Son of Lal Babu Rai Resident of Village - Terasiya, P.S. - Ganga Bridge, District - Vaishali.
8. Hakim Rai Son of Girija Rai Resident of Village - Terasiya, P.S. - Ganga Bridge, District - Vaishali.
9. Satrohan Rai Son of Ram Babu Rai Resident of Village - Terasiya, P.S. - Ganga Bridge, District - Vaishali.
10. Ramadhar Rai @ Prabhat Kumar Yadav Son of Nagendra Rai Resident of Village - Terasiya, P.S. - Ganga Bridge, District - Vaishali.
11. Rajbali Rai Son of Ram Dev Rai Resident of Village - Terasiya, P.S. - Ganga Bridge, District - Vaishali.
12. Mohan Rai Son of Laldev Rai Resident of Village - Terasiya, P.S. - Ganga Bridge, District - Vaishali.
13. Rajgir Rai Son of Nanku Rai Resident of Village - Terasiya, P.S. - Ganga Bridge, District - Vaishali.
14. Sanjay Rai Son of Ramishwar Rai Resident of Village - Terasiya, P.S. - Ganga Bridge, District - Vaishali.
15. Shrawan Kumar @ Shrawan Rai Son of Vijay Rai Resident of Village - Terasiya, P.S. - Ganga Bridge, District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate
For the Opposite Party/s	:	Mr. Shyameshwar Dayal, APP
For the Department of Mines	:	Mr. Naresh Dixit, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA



ORAL ORDER

3 17-10-2022 Heard learned counsel for the petitioners, learned counsel for the Department of Mines and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code and Sections 56 and 39(3) of the Bihar Minerals (Concessions, Prevention of illegal Mining, Transportation and Storage) Rules, 2019.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that during raid huge quantity of sand was found stacked near pillar no. 26, 27 and 28 of Mahatma Gandhi Setu Bridge. Further, on inquiry it was disclosed by local people that the sand was illegally mined and brought from Koilwar and stacked for selling.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that the informant alleges that information was given by local people but then the FIR does not disclose the name of any local people who had



shared the information with the informant, it is next submitted that no doubt FIR is not an encyclopedia, but then the fact which is material and if that is lacking in FIR that clearly creates doubt with regard to the veracity of the allegation, it is also submitted that then it becomes easy for the Investigating Agency to bring forward 15-20 people and take their statement and then implicate innocent persons.

Learned counsel appearing for the Department of Mines opposes the prayer for anticipatory bail of the petitioners, but is not in a position to rebut the submission of the learned counsel for the petitioners that the FIR does not disclose that as to who were the local people who informed and gave such precise information to the informant based on which the petitioners came to be implicated.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Ganga Bridge P.S. Case No. 185 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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