

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4226 of 2022

Arising Out of PS. Case No.-359 Year-2021 Thana- BIDUPUR District- Vaishali

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JALESHWAR RAI S/o- BHAGWAT RAI Resident of Village- Bajitpur, P.S.-
Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-07-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioner apprehend his arrest in a case registered for the offence punishable under section 379, 411 of the Indian Penal Code and sections 56/39 (3) of the Bihar Minerals (Concessions, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019.

The allegation against the petitioner is that he stole government revenues. The petitioner has caused loss of Rs. 8,40,285/- (Rupees Eight Lakhs Forty Thousand Two Hundred



Eight Five).

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. It is submitted that the petitioner was never indulged in the trade and mining of sand. His name transpired in this case on the statement of locals and chaukidar. The petitioner has not been apprehended on the spot and has no concern with the co-accused persons. The said stock of sand was not stored on the land of the petitioner. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since the petitioner is not ready to deposit the said amount, I am not inclined to grant bail to the petitioner. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This application is accordingly, dismissed.

(Anjani Kumar Sharan, J)

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