

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10145 of 2022

Arising Out of PS. Case No.-118 Year-2021 Thana- DULHIN BAZAR District- Patna

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KAMLESH KUMAR SON OF SRI BAIJNATH PRASAD R/O VILLAGE-
MAHAWALIPUR, P.S.- DULHIN BAZAR, DISTRICT- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. ANJAY KUMAR SON OF SHAYAMANDAN PRASAD YADAV R/O
VILLAGE- MATHIYAPUR, P.S.- SAHPUR, DISTRICT- PATNA, AT
PRESENT MINING INSPECTOR, DISTRICT MINING OFFICER,
PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 379, 411 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant (Mining Inspector) alleges that on 03.06.2021 at 2:30 PM during a raid he found that 400 CFT of red sand from Lal Bhadsara was lying on Dulhin Bazar, Arwal State Highway near Petrol Pump, further he found a sign board of the petitioner from the site, it is next alleged that the persons, present at the



place of occurrence, were not able to present any document relating to the sand and thus alleges that the government suffered loss of revenue of Rs. 2,80,600/-.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated based on suspicion surmises, conjecture and even without holding a proper inquiry, it is next submitted that petitioner has license for stocking the sand, it is also submitted that Challan, on 24.12.2020 for renewal of the license, has been submitted and an application before the Principal Secretary Department of Mines, has been filed but the same is pending consideration, it is next submitted that the alleged sand was stocked in pursuance of the license which had expired recently.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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) 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 Dulhin Bazar P.S.
Case No. 118 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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