

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11967 of 2022

Arising Out of PS. Case No.-17 Year-2020 Thana- NASRIGANJ District- Rohtas

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1. KUNAL KUMAR SON OF SHYAMDEO YADAV R/O VILLAGE-
BACHHAI, BACHHAMI, P.S.- CHAUPARAN, DISTRICT-
HAZARIBAGH (JHARKHAND)
 2. MAHESH YADAV SON OF TOWA MAHTO R/O- HAZARI, P.S.-
DHAMNA, DISTRICT- HAZARIBAGH (JHARKHAND)

... .. Petitioner/s

Versus

The State of BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Singh

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-09-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Nasariganj P.S. Case no. 17 of 2020 instituted for the offence under Sections 379, 411, 420, 34 of the Indian Penal Code, Section 56(2) of Bihar Illegal Mining Act and Section 15 of the Environment Protection Act 1986.

Prosecution case relates to excavation of illegal sand by poclain, which belongs to the petitioner.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. Petitioner is owner of Poclain Machine but the same was not seized from the place of occurrence rather the



same was seized from Dehri Nasariganj Pakki Road in parked condition. It is further submitted that petitioner had sold the said Poclain machine to one Yogendra Yadav, and the same fact is corroborated by Annexure-2 to the petition. They have got no criminal antecedent. Several accused persons have been allowed bail by the learned lower court.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Nasariganj P.S. Case no. 17 of 2020, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Bikramganj, Rohtas subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

sushma/-

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