

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25613 of 2021

Arising Out of PS. Case No.-725 Year-2020 Thana- BANKA District- Banka

RAM PRASAD YADAV Son of Sri Bhagirath Yadav Resident of Village -
Lashkari, P.S. - Banka, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Assistant Director, Mines and Geology Department, Banka. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 21-07-2022 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 sections 379, 411, 413/34 of the Indian Penal Code.

The allegation against the petitioner is that he along with other co-accused persons was involved in the storage of sand in illegal way.

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 due to suspicion. 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. There is no specific overt act against the petitioner. The theft sand has not been recovered from the possession of the petitioner and also the land where sand was dumped does not belongs to the petitioner. Petitioner has three criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail. He submits that there is a direct and specific overt act against the petitioner. He further submits that the petitioner is found involved in the storage of sand in illegal way.

Having regard to the facts and circumstances of the case and on perusal of the case diary, it appears that the petitioner is involved in the storage of sand illegally, 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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