

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15916 of 2022

Arising Out of PS. Case No.-68 Year-2019 Thana- BARHAT District- Jamui

RAVINDRA YADAV SON OF MUNNA YADAV RESIDENT OF
VILLAGE- SUDAMAPDUR, POLICE STATION- BARHAT, DISTRICT-
JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-08-2022 Heard learned counsel for the petitioner and learned APP
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 apprehends his arrest in connection with Barhat P.S. Case No.68 of 2019, registered for the offence punishable under Sections 353, 332, 333, 336, 337, 338, 427, 379, 411/34 of the IPC, sections 4/40 of Bihar Mines & Mineral Concession Rule, 1972, section 8 (a) of the Bihar Mineral (Prevention of Illegal Mining Transportation and Storage) 2003 and Rule 15 of Forest & Environment Act, 1986.



Allegedly, at Dadha River Ghat, police party caught several tractors involved in illegal mining of sand and when the police tried to apprehend the drivers and owners, they started pelting stones, due to which, several members of the police party sustained injuries. One person was apprehended on the spot, who disclosed that his tractor was also being used for lifting of sand and the driver fled away taking the tractor. He also disclosed the names of other persons involved in the same.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He is not named in the FIR and has been falsely implicated in this case only on suspicion. His name transpired in the case on the statement of the co-accused Shankar Yadav who stated before the police that the petitioner is the driver of one of the tractor involved in lifting the sand but the said tractor was not seized from the spot. No incriminating article has been recovered from the conscious physical possession of the petitioner. He was neither present at the place of occurrence nor has any concern with illegal lifting/trade of sand. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that one of the similarly situated co-accused has been granted anticipatory bail by the learned



court below itself. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail and submits that the apprehended accused has confessed that the petitioner has fled away from the spot along with the tractor. From the case diary, it is evident that the witnesses have supported the prosecution case. There is specific allegation against the petitioner.

Having regard to the facts and circumstances of the case, since there is an allegation of illegal mining of sand against the petitioner and that he along with others after pelting stones over police party, fled away from the spot with the tractor, I am not inclined to enlarge him on bail. The prayer for grant of anticipatory bail of the petitioner named above is hereby rejected.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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