

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20142 of 2022

Arising Out of PS. Case No.-253 Year-2020 Thana- NAVINAGAR District- Aurangabad

SATISH KUMAR SINGH Son of Jagnarayan Singh Resident of Village -
Near Happy Child School, Polytechnic Road, P.S.- Dhanbad, District -
Dhanbad, Jharkhand 826001

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 01-11-2022 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 and 420 of the Indian Penal Code.

The informant alleges that he along with other officers of the Department of Mines reached at Mahirawa Baalu Ghat, situated near Majhiyav village on 03.12.2020 at about 5:00 pm, it is next alleged that at the place of occurrence the informant found mining work which was already halted and no employees were present there, it is next alleged that adjacent to the place of occurrence leading to the Baalu Ghat excavation was found measuring 561' x 40' x 15' CFT of sand which was outside the



permitted area, thus causing loss of Rs. 57,82,690/- to the Government.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that the name of the petitioner transpired during the course of investigation. Learned counsel next submits that petitioner is the Director of Aditya Multicom Private Limited which emerged as the highest bidder for the district of Aurangabad and after completion of all the formalities as stipulated in the N.I.T. the work order was issued and thereafter, an agreement was executed between the parties on 24.07.2015 (Annexure-2). Learned counsel further submits that after coming of the Bihar Mineral (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019 by which the Bihar Minor Mineral Concession Rules, 1972 was repealed, the Department of Mines again published notice inviting E-Auction for settlement of Sand ghats in the district of Aurangabad in accordance with the provisions of Bihar State Sand Policy 2019 and 2019 Rules. Learned counsel next submits that petitioner was awarded the contract and the same after coming to an end was extended as detailed in paragraph '19', it is also submitted that the FIR itself discloses



that no one was found near the place of occurrence but sand in large quantity was found lying outside the permitted area, as such, based on presumption the FIR came to be instituted and the police in mechanical manner implicated the petitioner.

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 Navinagar P.S. Case No. 253 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

GauravSinha/-

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