

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23928 of 2022**

Arising Out of PS. Case No.-82 Year-2021 Thana- RISIYAP District- Aurangabad

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SADASHIV PRASAD SINGH @ SADASHIV PRASAD @ SADASHIV
SINGH Son of Maleswar Singh Resident of 410, Ganeshalay Apartment,
Jharudih, Near Carmel School, Matkuria, Dhanbad, Jharkhand 826001.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Suraj Samdarshi

For the Opposite Party/s : Mr.Shyameswar Dayal

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 13-09-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence under Sections 379, 411, 420 of the Indian Penal Code and Sections 11, 39, 56 of the Bihar Minerals Rules.

As per the prosecution case, M/s Aditya Multicom Private Limited (for short “company”) has obtained K- License No. K- Aurangabad / 17/2020 which was physically inspected for quantum of the sand present there. During the course of inspection, zero CFT sand was found to be present at the K- license sites. It is alleged that according to the data provided by PMU, 183300 CFT sand should be stored at the storage area and thus the employees / operators of the license holder have sold the sand without issuance of 3-transit *challan*. It is further alleged that the register in H-Form has been produced.



It is submitted on behalf of petitioner that the allegations levelled against the petitioner are fictitious and false. Petitioner, being C.E.O., is absolutely innocent and has committed no offence. Petitioner is not named in the F.I.R. It is further submitted that pursuant to the action, the company became the highest bidder and after completion of all the formalities, as stipulated in the N.I.T., work order was issued for Aurangabad district and pursuant to issuance of work order, an agreement was executed between the parties on 24.07.2015 and after successful completion of 5 years, same was extended till 31.10.2020 and again extended till 30.09.2021. It is further submitted that entire quantity of sand, which has been stocked at the K-license sites, has been excavated during the period when the company was conducting mining activity. No offence under Section 411 of the I.P.C. is made out against this petitioner.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

Considering the aforesaid facts and circumstances, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned



A.C.J.M. - IV, Aurangabad in connection with Risiyap P.S. Case
No. 82 of 2021, subject to condition as laid down under Section
438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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