

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31934 of 2022

Arising Out of PS. Case No.-140 Year-2020 Thana- SHAMBHUGANJ District- Banka

1. Sanjay Sharma Son Of Late Saryu Sharma Resident Of Village - Ranadih, P.S. - Sangrampur, District - Munger.
2. Sarvan Sharma @ Shrawan Sharma Son of Umesh Sharma Resident of Village - Ranadih, P.S. - Sangrampur, District - Munger.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Mining Inspector Cum Competent officer, Banka, District - Banka. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in

a case registered for the offences punishable under

Sections 379 of the Indian Penal Code, Section 56 of

the Bihar Minerals(Concession, Prevention of Illegal

Mining, Transportation & Storage) Rules, Section 21 of

the MMDR Act and Section 15 of the Environment

Protection Act.

The prosecution case as per F.I.R is that, a raid



was conducted near Badua river and during the raid, it was found that 28050 CFT sand was mined from Badua river by way of illegal means. It is further alleged that during investigation, it revealed that the petitioners and others were responsible for the alleged mining of sand.

It is submitted by learned counsel for the petitioner that petitioners are innocent and they have falsely been implicated in this case due to village politics. The petitioners were not apprehended from the place of seizure. The petitioners have neither stored nor transported illegal sand from Badua river. Moreover, other similarly situated co-accused have been granted anticipatory bail by a coordinate bench of this Court vide Cr. Misc. No. 24924 of 2021. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

In the facts and circumstance of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of



four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IVth, Banka in connection with Shambhuganj P.S. Case No. 140 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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