

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33244 of 2022

Arising Out of PS. Case No.-136 Year-2021 Thana- AMARPUR District- Banka

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GUDDU MANDAL @ SUJIT KUMAR @ SUJIT KUMAR SHIKDAR Son
of Sahdev Shikdar Resident of Village - Tahsur, P.S.- Jagdishpur, Distt.-
Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 379 and
411 of the Indian Penal Code, Section 56 of the Bihar Minerals
(Concession, Prevention of Illegal Mining, Transportation &
Storage), Rules 2019, Section 21 of the MMDR Act and Section
15 of the Environment Protection Act.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

The informant alleges that on 15.03.2021, he along
with other police personnel conducted raid and intercepted five



tractors carrying sand near Chandan River and on seeing the police personnel all the drivers fled away from the spot leaving their tractors and no one came to produce the Challan with respect to the sand in question. It is further alleged that the informant based on local inquiry came to know that petitioner along with three others were responsible for alleged illegal mining.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and the FIR does not disclose as to what kind of local inquiry was made based on which the name of the petitioner transpired in the case. He further submits that though it is alleged that 11,475 CFT of sand were found excavated loaded on the tractors which caused revenue loss of Rs.4,93,442/- to the government but then petitioner was not involved in the occurrence. He next submits that petitioner is neither the owner nor the driver of the vehicle in question which were apprehended and seized, as such, it cannot be alleged that it was the petitioner who indulged in illegal mining of sand. It is also submitted that it absolutely does not stand to reason that how such large scale illegal mining of sand is being done, it appears that the same is being done in connivance with the Department of Mines.



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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Amarpur P.S. Case No. 136 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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