

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50909 of 2021**

Arising Out of PS. Case No.-163 Year-2021 Thana- BARHARA District- Bhojpur

BIR KUMAR RAI S/O- Bhorik Rai Resident of Village - Kolhrampur, P.S. -
Barahara, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlesh Prasad Yadav

For the Opposite Party/s : Mr.Shyameshwar Dayal

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

4 21-07-2022 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 379, 420 of the Indian Penal Code, Rule 11, 56(1) of Bihar Mineral Concession of Illegal Mining Transportation and Storage Rule 2019, section 15 of the Environmental Protection Act, 1986.

As per prosecution case, this petitioner along with other accused persons caused loss of Rs. 3, 75,000/- to the Government by illegal mining of sand.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. No recovery has been made from the conscious possession or land of the



petitioner. The seizure list shows that sand was recovered from the land of co-accused, Shobhan Rai. Petitioner has no concern with the recovered sand. Petitioner has no criminal antecedent.

Learned counsel appearing for the State opposes the prayer for anticipatory bail.

Considering the facts of the case, nature of accusation and clean antecedent of the petitioner, let the petitioner, above named, in the event of his arrest/ surrender within a period of six weeks from today shall 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 Chief Judicial Magistrate, Bhojpur, Ara in connection with Barhara PS case No. 163/ 2021, subject to conditions laid down u/s 438(2) of the Cr. P. C.

(Prabhat Kumar Singh, J)

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