

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52858 of 2021

Arising Out of PS. Case No.-65 Year-2021 Thana- MADHWAPUR District- Madhubani

1. SHARWAN SAH SON OF LATE BILAT SAH RESIDENT OF VILLAGE- BIHARI, P.S.- MADHWAPUR, DISTT.- MADHUBANI
2. NIRAJ KUMAR JHA SON OF JAY NARAYAN JHA RESIDENT OF VILLAGE- BIHARI, P.S.- MADHWAPUR, DISTT.- MADHUBANI
3. SURENDRA KUMAR SON OF DULAR YADAV RESIDENT OF VILLAGE- MANPATTI, P.S.- UMGAEON, DIST.- MADHUBANI
4. MANIK SAH SON OF BILAT SAH RESIDENT OF VILLAGE- BASUK BIHARI, P.S. MADHWAPUR, DIST.- MADHUBANI
5. MD. JALALUDDIN SON OF MD. SALIMUDDIN RESIDENT OF VILLAGE- BASUKI BIHARI, P.S. MADHWAPUR, DIST.- MADHUBANI
6. RAM CHANDRA SAH SON OF BILAT SAH RESIDENT OF VILLAGE- BASUKI BIHARI, P.S.- MADHWAPUR, DIST.- MADHUBANI

... Petitioners

Versus

THE STATE OF BIHAR

... Opposite Party

Appearance :

For the Petitioners	:	Mr. Shailendra Kumar Jha, Adv.
For the Opposite Party	:	Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 18-02-2022 Heard the parties through video conferencing.

The petitioners seek bail in anticipation of their arrest in connection with Madhwapur P.S. Case No. 65 of 2021 (G.R. No. 324 of 2021) instituted for the offences under Sections 379 and 411 of the Indian Penal Code and 56(i)(ii) Bihar Minerals Concession Prevention of Illegal Mining (Transportation and Storage) Rules 2019, 11(i), 29(A)(2)(3)(D) of the Mining Act, 2019 and 15 of the Environment Protection Act, 1986.

Learned counsel submits that the petitioners were

doing leveling and wrongfully they have been sought to be arrested. The allegation against the petitioners is of illegally mining by loading soil on the tractor from a field belonging to a particular person, does not prima facie come within the ambit of illegal mining, I am therefore inclined to grant benefit of anticipatory bail to the petitioners and in the event of arrest they shall be released on bail subject to the conditions as laid down under Section 438(2) of the Criminal Procedure Code.

(Sanjeev Prakash Sharma, J)

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