

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54451 of 2021

Arising Out of PS. Case No.-314 Year-2021 Thana- BARHARA District- Bhojpur

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1. MUKESH SINGH SON OF LATE RAJESHWARI SINGH RESIDENT OF VILLAGE- FUHAN, P.S- BARHARA, DIST- BHOJPUR
 2. BUTAN SINGH SON OF PRABHU NATH SINGH RESIDENT OF VILLAGE- FUHAN, P.S BARHARA, DIST- BHOJPUR
 3. ROHIT SINGH SON OF SITA RAM SINGH RESIDENT OF VILLAGE- FUHAN, P.S- BARHARA, DIST- BHOJPUR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE SECRETARY, DEPARTMENT OF BIHAR MINES AND MINERAL, BIHAR PATNA , BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Uma Kant Mishra
For the State	:	Mr.Shyameshwar Dayal
For the Mines Dept.	:	Mr. Naresh Dixit, Special PP Mines

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 18-07-2022 Heard learned counsel for the petitioners and the State.

Petitioners apprehend their arrest in a case registered for the offence punishable under Section 379, 420/188 of the Indian Penal Code, u/s 11/39(i) & 39(ii) of Bihar Mineral Concession Prevention of Illegal Mining Transportation & Storage Rule, 2019, Section 15 of Environment Protection Act and Section 21 MMDR Act, 1957.

As per the prosecution case, these petitioners are alleged to have involved in illegal mining business of sand and



thereby caused huge loss to the Government exchequer.

Learned counsel appearing for the petitioners submits that petitioners are innocent and have falsely been implicated in the case due to village politics. No incriminating article has been recovered from the conscious possession of the petitioner and they have no concern with the business of sand. The land from where sand was recovered does not belong to the petitioners. Petitioner has got clean antecedent.

Learned counsel appearing for the State and the Mines Department opposed the prayer for anticipatory bail and submitted that these petitioners caused huge financial loss to the Government by illegal mining of sand.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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