

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45310 of 2022

Arising Out of PS. Case No.-103 Year-2022 Thana- MANER District- Patna

Nagendra Kumar @ Nagendra Yadav S/O Shri Ramlal Rai @ Shri Ram Lal
Yadav Resident of Tata Colony Maner, P.S.- Maner District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 30-11-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Maner
P.S. Case No. 103 of 2022 registered for the offences punishable
under Sections 353, 379, 120(B), 307 of the Indian Penal Code
and Rules 11, 43, 56 of the Bihar Minerals Rules, 2019 and
Section 21 of the Mines and Minerals Act, 1957.

As per the prosecution, the informant along with other
police personnel raided the alleged place and seized a Poclain
Machine (excavator) which belonged to this petitioner, who was
involved in illegal mining of sand. Further it was alleged that



the seized machine was crashed into a nearby pond and upon examining it appeared that 15000 sq. feet of sand had been extracted illegally which resulted in loss of revenue of Rs. 7,98,750/-.

The main submissions advanced by learned counsel Mr. Patanjali Rishi appearing for the petitioner are that the Poclain Machine mentioned in the FIR was not indulged in the alleged illegal mining operation rather the same was being used in a pond from where the said machine was found and moreover against the petitioner there is no allegation and he is simply stated to be brother of one namely Amar Yadav who was alleged to be involved in illegal sand mining. Further submission is that the petitioner has fair and clean antecedent and has been languishing in jail since 03.04.2022.

Learned APP Mr. Shyameshwar Dayal appearing for the State has opposed the bail prayer.

Having regard to the facts and circumstances of this case, considering the above submissions and also the fact that as per the FIR the petitioner has simply sent the driver of his Poclain Machine to drive or carry Poclain Machine which was allegedly used in the illegal mining operation of sand and the alleged occurrence of pushing the said Poclain Machine in a



water-filled ditch is against the said driver namely Chhotu @
Rajeev Kumar in which petitioner's involvement does not
appear from the FIR, in the opinion of this Court the petitioner
deserves to a lenient approach of this Court. Accordingly, let the
petitioner 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 the Court concerned in connection
with Maner P.S. Case No. 103 of 2022.

(Shailendra Singh, J.)

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