

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57587 of 2021

Arising Out of PS. Case No.-40 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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1. Dinesh Mishra Son of Late Baidyanath Mishra R/o Village- Pachiyarai Tola Dafarpur, P.S.- Nawkothi, District- Begusarai.
 2. Subhankar Mishra S/o Late Jaynath Mishra R/o Village- Pachiyarai Tola Dafarpur, P.S.- Nawkothi, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandan Kumar Kashyap

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-07-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in Nawkothi P.S.
Case No.40 of 2021, registered for the offence punishable under
Section 379 of the Indian Penal Code and Section 56 of the Bihar
Minerals (Concession, Prevention of Illegal Mining,
Transportation & Storage) Rules, 2019.

The prosecution case, in brief, is that the informant,
who is a Mining Officer, District Mining Office, Begusarai,
submitted a written report to the S.H.O. of Nawkothi P.S. stating
that he got information with regard to selling of illegal soil near
Dafarpur Bandh. The informant reached there and found cutting of
soil.

Learned counsel for the petitioners submits that the



petitioner are innocent and have falsely been implicated in the present case. There is general and omnibus allegation against the petitioners. It is further submitted that the petitioners are the owners of land belonging to Khata No.106, which is running in the name of their grandfather and for which rent are being paid and rent receipts has been issued (Annexure-2 of the bail application). It is submitted that from perusal of paragraph-22 of the case diary, it transpires that the said land belongs to the petitioners.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioners.

Taking into consideration the facts and circumstances of the case, let petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai in connection with Nawkothi P.S. Case No.40 of 2021, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J.)

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