

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59178 of 2021

Arising Out of PS. Case No.-196 Year-2021 Thana- SHAHKUND District- Bhagalpur

=====

BHANU MANDAL @ BHAWANI KUMAR SINGH Son of Late Yogendra
Mandal @ Late Bijli Mandal Resident of Village - Shekhpura, P.S.- Sajour,
Distt.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Mr.A.G.

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-06-2022 Heard the learned counsel for the petitioner and

the learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Shahkund (Sajour) PS case no. 196 of 2021
registered for the offences punishable under Sections 39(1), 56
of Bihar Minerals Concession Prevention of Illegal Mining
Transportation and Storage Rules, 2019.

The allegation is regarding the informant along
with other officials having conducted a raid near the banks of
Andhri river, whereupon it was found that the sand had been
mined illegally and stocked at the said place of occurrence. It is
also alleged that upon inquiry from local villagers, it transpired
that the petitioner and two other co-accused persons namely



Pankaj Kumar and Rakesh Mandal have excavated the sand illegally at the bank of the river Andhri.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is accused in one other case but he is on bail in the said case. It is next submitted that neither the place from where the illegally mined sand has been recovered belongs to the petitioner nor there is any material on record to show that the petitioner is anyway involved in illegal mining of sand. Lastly, it is submitted that two other co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide order dated 26.04.2022, passed in Cr. Misc. no. 54274 of 2021.

Per contra, the learned APP for the State has vehemently opposed the prayer for grant of bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that neither the place from where the illegally mined sand has been recovered, belongs to the petitioner nor there is any material on record to connect the



petitioner with the alleged crime apart from the fact that similarly situated co-accused persons have already been granted anticipatory bail, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Rail, Patna in connection with Shahkund (Sajour) PS case no. 196 of 2021, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

