

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59613 of 2021

Arising Out of PS. Case No.-81 Year-2021 Thana- TELHARA District- Nalanda

1. Bhola Kumar Son of Rajballabh Prasad Resident of Village - Barari, P.S. - Telhara, District - Nalanda.
2. Azad Kumar Son of Rajendra Prasad Resident of Village - Barari, P.S. - Telhara, District - Nalanda.
3. Sikandar Kumar Son of Chandan Yadav Resident of Village - Barari, P.S. - Telhara, District - Nalanda.
4. Koshum Prasad Son of Late Dwarka Das Resident of Village - Barari, P.S. - Telhara, District - Nalanda.
5. Dhanni Kumar Son of Suryadev Yadav Resident of Village - Barari, P.S. - Telhara, District - Nalanda.
6. Nitish Kumar Son of Raju Prasad Resident of Village - Barari, P.S. - Telhara, District - Nalanda.
7. Vikash Kumar Son of Sharawan Prasad Resident of Village - Barari, P.S. - Telhara, District - Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-07-2022 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in Telhara P.S. Case No. 81 of 2021, registered for the offences punishable under Sections 420, 379, 120B of the Indian Penal Code and Rule 4, 21, 22 of the MM(DR) Act and Rule 11,56 of the Bihar Minerals Concession, Prevention of illegal Mining



Transportation & Storage Rule 2019 and Section 15 of the Environment Pollution Act.

Prosecution case in brief is that all the FIR named accused persons including these petitioners are accused of illegal mining of sand and also caused loss of revenue of Rs. 1617260/-.

It is submitted that petitioners are farmers. There is general and omnibus allegation. FIR has been lodged after delay of three days of the occurrence without any plausible explanation. Further alleged that occurrence is said to have been taken place in Mauja (Village)- Korthu PS -Telhara, District-Nalanda, but the petitioners are resident of village-Barari, PS-Telhara, District-Nalanda. Petitioners have got no concern with illegal mining of sand and claim clean antecedents.

Considering the facts aforesaid, the petitioners above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate Ist Class, Hilsa, Nalanda in connection with Telhara P.S. Case



No. 81 of 2021, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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