

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58017 of 2022

Arising Out of PS. Case No.-741 Year-2020 Thana- BIHTA District- Patna

RAJGIR RAI S/O SRI RAM PANI RAY Resident of village- Amnabad, P.S.-
Bihta, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR \

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Prasad Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-12-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in a case registered for
offence punishable u/s 420, 379 of IPC and u/s 11/56 of Bihar
Mines and Minerals (concession) Rule, 2019.

Allegedly, informant, Assistant Director, District Mining
Office, Patna, with the aid of police personnel conducted raid on
the bank of river Sone in between Amnabad Balughat and Bodhi
Balughat against illegal extraction and transportation of red
sand. However, the miscreant fled away taking their Poclain
Machine except one Poclain Machine which was seized by
raiding party that found three pits. Petitioner is named in the
FIR as driver of the Poclain Machine.

It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The petitioner has no concern with the place of occurrence. There is no specific allegation against the petitioner. There is general and omnibus allegation against the petitioner. The petitioner is neither owner and driver of poclain machine nor the petitioner involved in the said occurrence. It is evident from the perusal of the FIR that raiding party did not find any person on the spot. The name of the petitioner has been given in this case only on suspicion. He further submits that similarly situated co-accused has been granted bail by the Co-ordinate Bench of this Court in Criminal Miscellaneous No. 13015 of 2022 vide order dated 05.09.2022. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since the similarly situated co-accused has been granted bail, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court



below where the case is pending/Successor Court in connection
with Bihta P.S. Case No.741 of 2020, subject to the conditions
as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

divyanshi/-

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

