

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58657 of 2022

Arising Out of PS. Case No.-25 Year-2021 Thana- TETERHAT District- Lakhisarai

BINOD YADAV S/o Banaras Yadav R/V- Basuachak, P.S.- Tetarhat, Distt-
Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar
For the Opposite Party/s : Mr. Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-12-2022 Heard the parties.

The petitioner apprehends his arrest in connection with Tetarhat P.S. Case No.25 of 2021, registered for the offence punishable under Sections 379, 411/34 of the Indian Penal Code and u/s- 56(1) (3) of Bihar Mineral Concession Prevention of illegal Mining transportation and storage, Rule 2019 and 4, 21 MM (DR) Act 1957 and u/s 15 of Environment of Protection Act, 1986.

The allegation against the petitioner is that he alongwith other co-accused persons is involved in the illegal excavation of soil. The accused persons damaged the revenue of government as tax of Rs.4,67,380/-.

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. He further submits that the petitioner is not named in the FIR but his name transpired in the present case because he is the owner of the said J.C.B machine. Similarly situated co-accused has been granted anticipatory bail by a co-ordinate bench of this Court. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail and submits that the petitioner is not ready to deposit the loss amount incurred by the Mines Department.

Having regard to the facts and circumstances of the case, as the petitioner is not ready to deposit the loss amount in the Mines Department, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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