

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.312 of 2022

Arising Out of PS. Case No.-248 Year-2021 Thana- SIMRI District- Buxar

JAMVANT YADAV @ SRI JAMAVANT YADAV S/o Late Bhulan Yadav @ Jagdish Yadav R/o Village - Rajapur, Benilal Ke Dera, P.S.-Simri (Dera O.P.), District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bihar Mining Department, Govt. of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Arvind Kumar Pradhan, Advocate
For the Opposite Party/s :	Mr. Umeshanand Pandit, A.P.P.
For the Dept. of Mines :	Mr. Naresh Dikshit, Spl. P.P.
	Mr. Utsav Anand, J.C. to Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 12-09-2022 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the Department of Mines.

Let the defect(s), if any, be removed within a period of four weeks.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 379, 420 of the Indian Penal Code, Sections 11, 39 and 56(1) of the Bihar Mineral Illegal Mines Transportation Storage Act, 2019 and Section 15 of the Environment Act, 1986.

Learned counsel for the petitioner submits that petitioner has antecedent of 4 cases.

The informant alleges that on 30.07.2021 while he



was on patrolling duty along with the circle officer found 15,000 CFT of white sand accumulated at the place of occurrence and the local people disclosed that the said illegal white sand has been stored by the petitioner without any license for storage of the same.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and he came to be implicated on the ground that local villager disclosed the name of the petitioner but the FIR does not disclose the name of the villager who disclosed it. He further submits that it absolutely does not stand to reason that 15,000 CFT of sand would be mined illegally without the connivance of the Department of Mines as it is not possible to mine such huge quantity of sand within a day or two. Learned counsel next submits that the place of occurrence from where the said sand has been recovered does not belong to him.

Learned A.P.P. and learned counsel for the Department of Mines opposed the prayer for anticipatory bail of the petitioner. Learned counsel submits that the stand of the petitioner is that the land from where the sand was recovered does not belong to him but the document annexed with supplementary affidavit (Annexure-2) does not even remotely suggest that the land does



not belong to the petitioner.

Be that as it may, considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds 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 Simri (Dera O.P.) P.S. Case No. 248 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, if the police, after investigation, submits charge sheet against the petitioner then the present order of the anticipatory bail will lose its effect.

(Satyavrat Verma, J)

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