

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.825 of 2022

Arising Out of PS. Case No.-359 Year-2021 Thana- BIDUPUR District- Vaishali

1. RAM BALISHTH RAI @ SERA RAI @ BALITH RAI Son of Madan Rai Resident of Village- Khalsa Ghaat, P.S.- Bidupur, District- Vaishali.
2. RANDHIR RAI Son of Ganaga Rai Resident of Village- Khalsa Ghaat, P.S.- Bidupur, District- Vaishali.
3. SATYENDRA RAI Son of Mahendra Rai Resident of Village- Khalsa Ghaat, P.S.- Bidupur, District- Vaishali.
4. Rajeev Singh @ Navin Kumar Son of Kanhya Singh Resident of Village- Khalsa Ghaat, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-07-2022 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 379 and 411 of the Indian Penal Code and Sections 56 and 39(3) of the Bihar Minerals (Concessions, Prevention of



Illegal Mining, Transportation & Storage) Rules, 2019.

The allegation against the petitioners to cause loss the government revenues by illegal mining of sand. Allegedly, the petitioner Nos. 1, 2, 3 and 4 have caused loss stolen the government revenue amounting to Rs. 9,76,7111.25/-; Rs. 1,72,530/-; Rs. 3,87,021/- and Rs. 6,11,043.75/- respectively.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. The petitioners are innocent and have falsely been implicated in the instant case due to high handedness of the Police. The recovered stocks of sand do not belong to the petitioners. They were never indulged in the trade and mining of sand. There is no material on record to show their implication in the instant case. The petitioners were neither found to be extracting the sand nor they were present at the place where from the said sand have been seized. It is submitted that the petitioner's name merely transpired on the statement of locals and chaukidar. Petitioners are not ready to deposit the loss amount. Petitioners have no criminal antecedent.



Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since the petitioners are not ready to deposit the said loss amount, as such I am not inclined to enlarge the petitioners on bail. The prayer for grant of anticipatory bail on his behalf is rejected.

This application is, accordingly, dismissed.

(Anjani Kumar Sharan, J)

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