

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1615 of 2022

Arising Out of PS. Case No.-266 Year-2021 Thana- SHAHKUND District- Bhagalpur

1. RAJESH BHATT @ RAJESH KUMAR RAY Son of Gopal Ray Resident of village - Hajipur Police Station - Sajour, District - Bhagalpur.
2. Santosh Bhatt @ Santosh Kumar Ray Son of Gopal Ray Resident of village - Hajipur Police Station - Sajour, District - Bhagalpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
 2. The Assistant Director, Mines and Geology Department, Bhagalpur. Bihar
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate.
For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-03-2022 Heard learned counsel for the petitioners and the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in Shahkund (Sajour) P.S. Case No. 266 of 2021 registered for the offence under Sections 147, 149, 353, 378, 379, 511, 427 of the Indian Penal Code, Section-56(1) and 56(2) of Bihar Minerals (Concession, Prevention of illegal Mining, Transportation & Storage) Rule, 2019.

Allegedly, the police raided the bank of river and seized 8 tractors, which were involved in illegal mining of sand.

It has been submitted on behalf of the petitioners that the petitioner No. 1 has got no criminal antecedent. There is no



allegation of tampering of witnesses alleged against the petitioners. As per the allegation, illegal mining of sand was carried out by the accused persons from the bank of the river. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. The names of the petitioners have transpired in this case on the basis of disclosure made by local residents. The tractors in question do not belong to the petitioners.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II/nd/Successor Court, Bhagalpur in connection with Shahkund (Sajour) P.S. Case No. 266 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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