

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2668 of 2023

Arising Out of PS. Case No.-218 Year-2021 Thana- BELAGANJ District- Gaya

1. Pankaj Kumar @ Pankaj Yadav Son Of Vinod Yadav R/V- Sakir Bigha, P.S.- Belaganj, District- Gaya
2. Mantu Kumar @ Pintu Kumar @ Pintu Yadav Son Of Arvind Kumar @ Arvind Yadav R/V- Sakir Bigha, P.S.- Belaganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 3536 of 2023

Arising Out of PS. Case No.-218 Year-2021 Thana- BELAGANJ District- Gaya

1. Dharmendra Kumar @ Dharmendra Yadav Son Of Krishna Yadav R/O Village- Sakir Bigha, P.S.- Belaganj, District- Gaya
2. Sanjeev Kumar @ Sanjeev Yadav Son Of Dinesh Singh R/O Village- Sakir Bigha, P.S.- Belaganj, District- Gaya
3. Chintu Kumar @ Chintu Yadav Son Of Arvind Yadav R/O Village- Sakir Bigha, P.S.- Belaganj, District- Gaya
4. Satish Kumar @ Satish Yadav Son Of Dinesh Parasad R/O Village- Sakir Bigha, P.S.- Belaganj, District- Gaya
5. Lalendra Kumar @ Lalendra Yadav Son Of Sadhu Sharan Prasad @ Sadhu Yadav R/O Village- Sakir Bigha, P.S.- Belaganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 2668 of 2023)

For the Petitioner/s	:	Mr. Manish Kumar, Advocate Mr.Gajendra Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Shyameshwar Dayal, A.P.P
For the Mine/s	:	Mr. Naresh Dikshit Mrs. Kalpana

(In CRIMINAL MISCELLANEOUS No. 3536 of 2023)

For the Petitioner/s	:	Mr. Manish Kumar, Advocate Mr.Gajendra Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Shyameshwar Dayal, A.P.P
For the Mine/s	:	Mr. Naresh Dikshit Mrs. Kalpana



**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 28-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable u/s 379 and 441 read with section 34 of the Indian Penal Code and section 21 of the MM (DR) Act and BM (CPIMTS) Rule-19 and BM (EIMT & PS) Amendment Rule-21.

As per prosecution case, on secret information a joint raid was conducted at Bela by armed forces and Mining department where a huge quantity of sand was found stored on the land of Kaiful Mian, Bhajan Mina, Churaman Yadav and Ranjit Yadav. It is further alleged that spy has revealed the name of the co-accused persons including the petitioners that they are involved in illegal mining of sand.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. There is no direct involvement of the petitioners in illegal excavation and storage of sand. The land where the said



sand was seized does not belong to the petitioners. Nothing has been recovered from the land of the petitioners. The other co-accused person has already been granted bail by the Co-ordinate Bench *vide* order dated 29.09.2022 passed in Cr. Misc. No. 26324 of 2022.

Learned A.P.P. for the State as well as the learned counsel for the Mines have vehemently opposed the prayer of anticipatory bail of the petitioners. Learned counsel for the Mines has submitted that the petitioners and other co-accused persons caused loss of the Government money.

Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Gaya in connection with Belaganj P.S. Case No. 218 of 2021, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This application stands allowed.

(Chandra Prakash Singh, J)

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