

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9095 of 2023

Arising Out of PS. Case No.-253 Year-2022 Thana- LADANIA District- Madhubani

UMESH SINGH Son of Rajpal Singh @ Raj Lal Singh Resident of Village-
Belahi, P.S.- Ladaniya, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Md. Soban Asghar, Advocate, Advocate
For the State	:	Mr. Shyameshwar Dayal, APP
For the Mines Deptt.	:	Mr. Naresh Dikshit, Advocate
		Mr. Brij Bihari Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 03-07-2023 Heard learned counsel for the parties.

Vide order dated 16.05.2023 and 20.06.2023, time was granted to learned counsel for the Mines Department to file a detailed counter affidavit, but till date no counter affidavit has been filed.

The petitioner apprehends his arrest in connection with Ladania P.S. Case No.253 of 2022, registered for the offences punishable under Section 379 of the Indian Penal Code, under Section 21 of the Mines and Mineral Development and Regulation Act, 1957, under Section 56(1) of the Bihar Illegal Mining Transportation and Storage Act, 2019 and Section 15 of the Environment Protection Act, 1986.

The prosecution case, in brief, is that on 23.08.2022,



raid was conducted at Munhara river. In course of raid, traces of illegal mining were found on a large scale. At the place of raid, many nearby persons were present who gave a written application with respect to illegal mining and also disclosed that this petitioner and other co-accused persons were indulged in illegal business of mining for the last one year and prior to this, there was a case of illegal mining vide Ladania P.S. Case No.98 of 2021 against them.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. It is submitted that petitioner has got no criminal antecedent as stated in paragraph-3 of the bail petition. It is further submitted that nothing has been recovered from possession of the petitioner and this petitioner is not accused in Ladania P.S. Case No.98 of 2021. It is submitted that the petitioner does not do the business of sand or soil. It is also submitted that no specific allegation is made against the petitioner.

Learned APP for the State as well as learned counsel for the Mines Department opposed the prayer for grant of anticipatory bail to the petitioner.

Taking into consideration the facts aforesaid, let



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 bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Madhubani in connection with Ladania P.S. Case No.253 of 2022, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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