

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11354 of 2023**

Arising Out of PS. Case No.-248 Year-2022 Thana- CHAKAND District- Gaya

KUNDAN KUMAR @ KUNDAN YADAV S/O RAM JANAM YADAV @
RAM JATAN YADAV R/v- Panchu Bigha, P.S.- Chakand, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mines and Minerals Department, State of Bihar through the District Mining Officer, Gaya Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar

For the Opposite Party/s : Mr.Shyameshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 10-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case instituted for the offence under Sections 379, 413 and 34 of the Indian Penal Code; Section 21 of the Mines and Minerals (Development and Regulation) Act; Rule 56 of the Bihar Minerals (Concession Prevention of Illegal Mining Transportation and Storage) and Section 15 of the Environment Protection Act.

As per prosecution case, a raid was done at Village- Panchu Bigha main road, in front of electric transformer and found 6000 cubic foot illegal sand and thereafter they reached



near Ganga bricks and found 2250 cubic foot illegal sand. It is further alleged that some public present there but no one knows, who was dumped the illegal sand. Further, *Chaukidar* Nagina Paswan disclosed the name of the petitioner and other accused persons. It is also alleged that Rs. 12, 11, 438/- has been shown loss of revenue.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. He submitted that there was no material/evidence has been found in the F.I.R. nor even the specific area, plot and khata has been shown, on the confessional statement of *Chaukidar*, the name of the petitioner has come into light, which has got no evidentiary value in the eyes of law. Petitioner has no concern with the storage of illegal sand nor the place of occurrence belongs to the petitioner. He is languishing in judicial custody since 26.11.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail



bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties
of the like amount each to the satisfaction of the learned J.M.-
1st Class, Gaya in connection with Chakand P.S. Case No. 248
of 2022.

(Sunil Kumar Panwar, J)

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