

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11980 of 2023

Arising Out of PS. Case No.-140 Year-2020 Thana- SHAMBHUGANJ District- Banka

1. Babloo Sharma @ Akilesh Sharma @ Akhilesh Sharma S/O Sachidanand Sharma Resident Of Village- Kahua, P.S.- Sangrampur, District- Munger.
2. Rajiv Sharma @ Kumar Rajiv Ranjan @ Kumar Rajiv Lochan S/O Brajkishor Shamra Resident Of Village- Kahua, P.S.- Sangrampur, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Mining Inspector Cum Competent Officer, Banka, District- Banka Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Jha
For the Opposite Party/s	:	Mr. Shyameshwar Dayal
For the Mines	:	None

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-04-2023 Heard learned counsel for the petitioners and learned APP for the State.

Though, the copy of the petition has already been served upon learned counsel appearing on behalf of the Mines Department but today nobody appears on behalf of the Mines Department.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Section 379 of the Indian Penal Code, Section 56 of the Bihar Minerals (Concession, Prevention of illegal mining, Transportation & Storage) Rules, 2019 and Section 21 of the MMDR Act and also



Section 15 of the Environment Protection Act pending in the learned court below.

During a raid, informant along with his team had found 28050 CFT of illegally mined sand from Badua river. Allegation against the petitioner that they along with other co-accused persons were responsible for the alleged mining of sand.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that there is general and omnibus allegation against the petitioners. He submits that the P.O. where sand was recovered, is not the property of petitioners. He further submits that similarly situated other co-accused person has already been granted bail by a bench of this Court vide order dated 23.11.2022 passed in Cr. Misc. No. 31934/2022. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

Learned APP for the State opposes for prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioners, named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on



furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Shambhuganj P.S. Case No.140/2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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