

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9970 of 2023

Arising Out of PS. Case No.-104 Year-2021 Thana- ASHTHAWAN District- Nalanda

BIJENDRA PASWAN SON OF GAGO PASWAN R/O VILLAGE- JIYAR,
P.S.- ASTHAWAN, DISTRICT- NALANDA

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE DEPUTY DIRECTOR, MINES AND GEOLOGY DEPARTMENT,
NALANDA, BIHARSHARIF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Raj Kishor Prasad
For the Opposite Party/s :	Mr. Akshay Lal Pandit
	Mr. Naresh Dikshit

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-04-2023 Heard the parties.

The petitioner apprehends his arrest in connection with Asthawan P.S. Case No.104 of 2021, registered for the offence punishable under Sections 188, 379, 427, 34 of the Indian Penal Code.

The allegation against the petitioner is that he alongwith other co-accused persons are involved in illegal mining of sand causing loss of the government revenue.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in



nature. He submits that the petitioner was not present on the spot, neither the tractor of the petitioner was seized nor his driver was arrested from the place of occurrence. There is no eyewitness in the present case nor any witness has supported the version as alleged in the FIR. He further submits that this case has been lodged against the petitioner with a view to harass and humiliate him. The alleged offence 379 of IPC is not applicable against the petitioner and other alleged offences are bailable. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day in accordance with law.

Accordingly, this application is disposed of.

(Anjani Kumar Sharan, J)

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