

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10500 of 2023**

Arising Out of PS. Case No.-248 Year-2022 Thana- JAMHOR District- Aurangabad

Om Kumar S/O Vinay Ram R/O Village- Nawner, P.S- Obra, District-
Aurangabad (Bihar)

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Leelawati Kumari

For the Opposite Party/s : Mr.Shyameshwar Dayal

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

2 18-04-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under section 379, 411 of the Indian Penal Code and Sections 4/21 of the Mines and Minerals (Development and Regulation Act) and Sections 11, 43 of Bihar Minerals (Concession, Prevention of Illegal Mining Transportation and Storage Rules) and Section 56 of Bihar Minerals (Concession Prevention of Illegal Mining, Transportation and Storage) Act.

As per allegation in the FIR, the petitioner is involved in illegal excavation of sand mining and it is said



to be that the petitioner is the liner. It is further alleged that several vehicles seized from the place of occurrence.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on the basis of suspicion. Petitioner has no concern with the alleged recovery and nothing has been recovered from his conscious possession. Vehicles in question do not belong to him. He has got no criminal antecedent. It is further submitted that seizure list has not been prepared as per Section 100 of the Cr.P.C. moreover, he is languishing in judicial custody since 17.10.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Jamhore P.S. Case No. 248 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate,
Aurangabad (Bihar).

(Sunil Kumar Panwar, J)

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