

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13056 of 2023

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

1. OM SHANKAR YADAV Son of Parikshan Yadav @ Ram Parikshan Yadav Resident of Village - Belahi, P.S.- Ladania, District - Madhubani.
2. Parikshan Yadav @ Ram Parikshan Yadav Son of Late Garbhu Yadav Resident of Village - Belahi, P.S.- Ladania, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Department of Mines and Minerals, State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 04-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners apprehend their 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, Section 21 of the Mines and Mineral Development and Regulation Act, 1957, Section 56(1) of the Bihar Illegal Mining Transportation and Storage Act, 2019 as well as under 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 petitioners and other co-accused persons are 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.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in the present case. It is submitted that petitioners have got criminal antecedent as stated in paragraph-3 of the bail petition. It is further submitted that no specific overt act is alleged against the petitioners. Nothing has been recovered from possession of the petitioners and similarly situated co-accused, Umesh Singh has already been enlarged by this Court vide order dated 03.07.2023, passed in Criminal Miscellaneous No.9095 of 2023.

Learned APP for the State opposed the prayer for grant of anticipatory bail to the petitioners.

Taking into consideration the facts aforesaid, let petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each 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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