

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17570 of 2023

Arising Out of PS. Case No.-216 Year-2022 Thana- SILAO District- Nalanda

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TARUN KUMAR @ TARUN YADAV Son of Anandi Pd. Yadav @ Anandi
Yadav R/V- Gurudayal Bigha, P.S-Silao, Dist- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Deputy Director, Mines and Geology Department, Nalanda, Bihar Sharif Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 25051 of 2023

Arising Out of PS. Case No.-216 Year-2022 Thana- SILAO District- Nalanda

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MANISH KUMAR @ MANISH YADAV son of Heera Lal Yadav @ Heera
Lal Village- Dariyasarai Ps- Silao Dist- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Mines Development Officer, nalanda Bihar Sharif Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 17570 of 2023)

For the Petitioner/s : Mr.Raj Kishor Prasad, Adv.

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP.

Mr. Naresh Dikshit, Adv.

(In CRIMINAL MISCELLANEOUS No. 25051 of 2023)

For the Petitioner/s : Mr.Anil Kumar No.1, Adv.

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP.

Mr. Naresh Dikshit, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 06-07-2023 As both these bail applications have cropped up from the same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.



Heard the parties.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 379, 411/34 of the Indian Penal Code.

The prosecution case, in short, is that on 08.09.2022, the informant, namely, Shashi Kumar, Mines Development Officer, Nalanda along with Anchal Adhikari and other officers inspected jointly the place of occurrence, where the mining of minor minerals was operated illegally. It is alleged that on raid and inspection, several heaps of sand were found near the mining place. On inquiry, the local Chowkidar disclosed the name of the accused persons.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have no concern with the alleged excavated sand. Petitioner Manish Kumar has four criminal antecedents, whereas petitioner Tarun Kumar has no criminal antecedent as mentioned in para-3 of this application.



Learned APP for the State as well as learned counsel for Mining Department opposed the prayer for bail submitting that due to illegal mining by the petitioners, there is a huge loss of money to the government exchequer amounting to Rs. 1,91,700/- and Rs. 7,72,125/- respectively. It is further submitted that both the petitioners are not ready to return the alleged amount. Hence, they do not deserve anticipatory bail.

Considering the facts and circumstances of case as well as nature of the offence, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected.

However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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