

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12233 of 2023

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

Kailu Sharma @ Shambhu Kumar Son Of Yogendra Sharma R/O 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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences 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 MMDR Act and Section 15 of the Environment Protection Act.

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

Learned counsel for the petitioner submits that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the



petitioner is not specific rather general and omnibus in nature. He submits that the place of occurrence where sand was recovered, is not the property of petitioner. Similarly situated co-accused have been enlarged on bail by this Court vide order dated 27.04.2023 passed in Cr. Misc. No. 11980 of 2023 and by a Co-ordinate Bench of this Court vide order dated 23.11.2022 passed in Cr. Misc. No. 31934 of 2022. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposes prayer for anticipatory bail.

Considering the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Shambhuganj P.S. Case No. 140 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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