

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20632 of 2023

Arising Out of PS. Case No.-466 Year-2022 Thana- SHERGHATI District- Gaya

1. ANIL KUMAR Son of Indradeo Yadav R/V- Jamuniya P.S- Dobhi, Dist- Gaya
2. Kailash Yadav Son of Janki Yadav R/V- Mahkar, P.s- Dobhi Dist- gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-06-2023 Heard Mr. Shivjee Singh, learned counsel for the petitioners and Mr. Shyameshwar Dayal, learned Additional Public Prosecutor appearing for the State.

Petitioners apprehend their arrest in connection with Sherghati (Dobhi) P.S. Case No. 466 of 2022 dated 9.6.2022 registered for the offence punishable under Sections 379, 411/34 of the Indian Penal Code, Section 56 of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019 and Section 21 of Mines and Minerals (Development and Regulation) Act, 1957.

As per the First Information Report, the Mining Officer on the basis of secret information conducted a raid and during course of the raid he came to know from the local people



that the petitioners and other accused persons are indulged in illegal mining of sand of *Nilanjana* river and they have extracted the sand and have loaded the same in three tractors which were seized by the Mining Officer and the Police having 125 Cft of the sand kept in the tractors.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case on the basis of secret information received by the informant and they have not committed any offence in the manner alleged. He further submits that the petitioners have got no criminal antecedent and they are not the owners of tractors and are not concerned with the sand recovered by the informant.

Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that the petitioners are not the owner of the tractors and they have got no criminal antecedents, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional



Chief Judicial Magistrate-I, Sherghati, Distt. Gaya, in connection with Sherghati (Dobhi) P.S. Case No. 466 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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