

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18418 of 2023

Arising Out of PS. Case No.-89 Year-2022 Thana- LADANIA District- Madhubani

Mithilesh Kumar Kamat @ Mithilesh Kamat @ Mithilesh Kumar S/O Late Rajendra Kamat Resident of Village- Chharpatti, P.S.- Khutauna, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gagandeo Yadav, Advocate

Mr.Ravi Prakash, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-06-2023 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Ladaniya P.S. Case No. 89 of 2022 registered for the offences punishable under Sections 379, 411 of the Indian Penal Code, section 21MM (D&R) Act, 1957, Section 56(2) B.M. (CPIMT & S) Rules, 2019 and Section 15 of the Environment Protection Act. He has no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that on secret information he along with other police personnel reached at Balughat of Muhara river and found two vehicles and 100 sq. fit sand was loaded on one vehicle. The driver of the JCB vehicle told that the owner of the JCB



machine is Mithilesh Kamat and Hywa was owned by Sushil Kanat. The said Ram Dular Mandal confessed that illegal mining work was going on.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the petitioner has been made accused only because he is the owner of the JCB Machine.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it appears that this petitioner being the owner of the JCB Machine was allegedly involved in illegal mining of sand and his name has been given by his own driver of the JCB, this being a case involving theft of public property and there being prima-facie materials that the petitioner happens to be the owner of the equipments and was allegedly involved in illegal mining of sand, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is, thus, refused.

In case, the petitioner surrenders in the learned court below and prays for regular bail, the same shall be considered



on it’s own merit without being prejudiced by the order of this
Court.

(Rajeev Ranjan Prasad, J)

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