

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21076 of 2023

Arising Out of PS. Case No.-332 Year-2022 Thana- DEEPNAGAR District- Nalanda

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SUMAN YADAV @ SUBAL YADAV SON OF LATE RAGHUNANDAN
YADAV Resident of village - Fatehali, P.S. - Deep Nagar, Distt. - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. MINES DEVELOPMENT OFFICER, NALANDA AT BIHAR SHARIF
BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-06-2023 Heard learned Counsel for the petitioner and

learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Deep Nagar Police Station Case No. 332 of 2022,
dated 16.07.2022, disclosing offences under Sections
379/414/120(B)/34 of the Indian Penal Code.

The prosecution case, on the basis of the First
Information Report, is that the Mining Development Officer,
District Mining Office, Nalanda (Bihasarif), on 16.07.2022,
conducted a raid with the help of police on the information that
illegal mining and storage of sand is being done by the accused
persons and altogether 41,400 cft. of sand extracted through



illegal mining has been found. It has been alleged that illegal sand kept on the land of Sushil Singh having a quantity of 52,000 cft. was extracted by the petitioner, namely, Suman Yadav.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on the basis of information received by informant from the villagers and local people and except that there is no material against the petitioner to connect him with the present offence. The land upon which illegal sand was stored and was extracted through illegal mining does not belong to the petitioner as would be evident from the First Information Report itself. The petitioner has no criminal antecedents of the similar nature of the offence and he has been implicated by the informant with oblique motive.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the name of the petitioner has been disclosed by the local people and that the sand extracted through illegal mining has not been recovered from the land of the petitioner, accordingly, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his



arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif, in connection with Deep Nagar Police Station Case No. 332 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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