

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19739 of 2023

Arising Out of PS. Case No.-94 Year-2022 Thana- BIND District- Nalanda

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KUNAL KUMAR @ KUNAL Son of Mr. Vijay Raut Resident of Village-
Amawan, P.S.-Bind, District-Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saptashwa Singh

For the Opposite Party/s : Mr.Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner, informant
and learned APP for the State.

The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 379, 411 and 34 of the
Indian Penal Code and Section 56 of the Bihar Minerals
(Concession, Prevention of Illegal Mining, Transportation and
Storage) Amendment Rules, 2021.

The allegation against the petitioner along with others
is of illegally extracting soil from the agricultural land with the
help of JCB machine, without taking any permission from the
Competent Authority.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. He submitted that Santosh Kumar Verma
and co-accused Saurav Kumar are co-villagers and there is



previous enmity between them for land dispute for which several cases have been lodged against Saurav Kumar and others. The petitioner is friend of co-accused Saurav Kumar, so the petitioner has been named in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner nor any vehicle connected with excavation has been seized from the possession of the petitioner. He is languishing in judicial custody since 14.11.2022.

The application for bail is opposed by learned APP for the State and learned counsel for the informant.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Biharsharif, Nalanda in connection with Bind P.S. Case No. 94 of 2022.

(Sunil Kumar Panwar, J)

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