

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18959 of 2023

Arising Out of PS. Case No.-350 Year-2022 Thana- BIHTA District- Patna

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AJAY KUMAR S/O JAGAT RAI R/O DIGHA AKHARA ROAD,
YADUVANSHI NAGAR, P.S- DANAPUR, DISTT.- PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Jitendra Singh, Sr. Adv. Mr.Yash Singh, Adv.
For the Opposite Party/s :		Mr.Shyameshwar Dayal, APP
For the Mines Dept.	:	Mr.Naresh Dikshit, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 11-07-2023 Heard the parties.

Petitioner apprehends his arrest in a case registered for the offence punishable u/s 379 and 411 of IPC, Rule 21 of M.M.D.R. Act, 1957 and Rule 56 of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019 as amended in 2021.

As per the F.I.R., the F.I.R. named accused persons are said to have been involved in illegal mining of sand. It is alleged that in course of raid 10 poclain machines and 12 mobile phones were recovered and 22 persons were apprehended. Driver of the Poclain Machines fled away from the spot.

It is submitted by learned Senior Counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. He has been made accused in this case on the basis that he is owner of one of the Poclain



Machine. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. No incriminating article has been recovered from the conscious physical possession of the petitioner. It is submitted that thought petitioner is the owner of the Poclain Machine but it is not alleged that he was present at the spot. Petitioner has no criminal antecedent.

Learned APP for the State as well as learned counsel for the Mines Department opposed the prayer for bail by submitting that petitioner is the owner of one Poclain Machine and was also involved in illegal mining and transportation of sand.

Having regard to the facts and circumstances of the case, since petitioner has no prior antecedent, 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 Bihta P.S. Case No.350/2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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