

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22534 of 2023

Arising Out of PS. Case No.-232 Year-2022 Thana- BUNIYAD GANJ District- Gaya

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DHANANJAY YADAV @ DHANANJAY KUMAR @ DHANANJAY KUMAR YADAV, SON OF BALKSIHUN YADAV, R/O KUKIYASIN, POST- BIJUBIGHA, P.S.- BUNIYADGANJ, DISTRICT- GAYA (BIHAR) PINCODE- 823003

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH DEPARTMENT OF MINES AND MINERALS

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saurabh Bishwambhar, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned APP for the State of Bihar.

The petitioner is apprehending his arrest in connection with Buniyadganj P.S. Case No. 232 of 2022 registered under Sections 379, 411 and 34 of Indian Penal Code, Section 21 of Mines Mineral (D&R) Act and Section 56 of Bihar Mineral Act.

There is alleged recovery of a huge quantity of sand from certain Geo Coordinates. The same is said to be causing a loss of over Rs. 1.27 crores to the State Exchequer. It is alleged that the petitioner along with 6 other co-accused is involved in illegal mining and trade of sand.

Learned counsel for the petitioner submits that the



petitioner's implication is based only on statement of one *Chaukidar* namely Arun Kumar, which is apparent from the order of the learned Sessions Judge, Gaya, whereby petitioner's prayer for anticipatory bail has been rejected. In fact, the petitioner is a laborer who was offering his services on daily wages to people in the locality and under such circumstances, his name has been stated by the *Chaukidar*. Other than statement of *Chaukidar*, there is nothing to connect the petitioner with the alleged recovery. The petitioner is also stated to be having no criminal antecedents.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, nature of material discussed in the order of the learned Sessions Judge and the submissions advanced by learned counsel for the petitioner, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Petitioner's prayer for anticipatory bail is allowed.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 the learned Sessions Judge, Gaya, in connection with Buniyadganj P.S. Case No. 232 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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