

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25773 of 2023

Arising Out of PS. Case No.-657 Year-2022 Thana- KHAGARIA District- Khagaria

GAUTAM KUMAR YADAV Son of Aghori Yadav R/V/ Mohalla- Dan Nagar
ward no. 6, PS- Khagaria Dist- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. UPENDRA KUMAR PASWAN, MINERAL DEVELOPMENT OFFICER,
KHAGARIA BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Anil Kumar Choudhary, Adv.
For the Opposite Party/s :	Mr. Shyameshwar Dayal, APP.
	Mr. Naresh Dikshit, Spl. PP.
	Mr. Brij Bihari Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 379, 411 of the Indian Penal Code and Section 56 (i) (ii) of Bihar Minerals Concession Prevention of Illegal Mines Transportation of Storage Rule 2021 Amendment Act 21(4) and MMRD Act 1957 and Section 15 of Environment Act, 1986.

3. The prosecution case, in brief, is that the informant along with other officers raided at the bank of river Gandak and found a blue coloured tractor 439 Power Trak Engine No. NLZ7340501817 loaded with illegal soil which was seized with



the help of administration.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has been made accused in the present case because he is owner of the seized tractor. He has no knowledge regarding this fact that his truck was being used for loading soil illegally. He was not present at the place of occurrence. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State and learned Spl.PP for Mines Department opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as on perusal of record, it is evident that petitioner has been made accused merely because he is owner of the seized tractor, 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 Khagaria (Muffasil) P.S. Case No. 657 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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