

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24118 of 2023

Arising Out of PS. Case No.-634 Year-2022 Thana- BARHARA District- Bhojpur

1. BRIJ NANDAN YADAV @ BRIJ NANDAN RAI SON OF BISHWANATH RAI R/O VILLAGE- SEMARA, P.S.- BADAHARA, DISTRICT- BHOJPUR
2. PARMA RAI @ BRAMHA RAI SON OF BRIJ NANDAN YADAV @ BRIJ NANDAN RAI R/O VILLAGE- SEMARA, P.S.- BADAHARA, DISTRICT- BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-07-2023 Heard Mr. Gopal Govind Mishra, learned counsel for the petitioners and Mr. Parmeshwar Mehta, learned Additional Public Prosecutor appearing for the State.

Petitioners apprehend their arrest in connection with Barhara P.S. Case No. 634 of 2022 registered for the offence punishable under Section 7 of Essential Commodities Act.

On 31.8.2022 at about 5.10 PM in the evening, a raid was conducted on the bank of Sone river by the Police regarding illegal mining and storage of sand. Upon seeing the Police Party, some persons started fleeing away on boat, however, they were identified by the local *Dafadaar* including the petitioners. It has been alleged that the accused persons used to provide gas



cylinders and diesel for running the boat and for cooking food etc. by the persons engaged in the illegal mining. The Police recovered 14 cylinders and 1600 litres of diesel from various shops situated at the bank of the river.

Learned counsel for the petitioners submits that the gas cylinders and the diesel have not been recovered from possession of the petitioners and the only allegation against the petitioners is that they were providing resources for running of the boat and for other purpose.

I have heard learned counsel for the parties and perused the materials on record. It transpires that the illegal mining activities were going on at the time of raid and the logistic were being provided by the accused persons. The petitioner No. 2 is having criminal antecedent regarding the offence of illegal mining and other offences. Accordingly, I am not inclined to grant anticipatory bail to the petitioner No. 2 and therefore, application for grant of anticipatory bail against petitioner No. 2 stands rejected.

However, the petitioner No. 1 namely, Brij Nandan Yadav @ Brij Nandan Rai has got no criminal antecedent, as such, in the event of arrest or surrender before the court below within six weeks from today, the petitioner No. 1, above named,



shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Ara, Bhojpur, in connection with Barhara P.S. Case No. 634 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

S.Ali/-

U		T	
---	--	---	--

