

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26070 of 2023

Arising Out of PS. Case No.-123 Year-2022 Thana- SANOKHAR District- Bhagalpur

MURARI MANDAL Son of Ayodhya Mandal Resident of village - Dobhi,
P.S. - Sanokhar (Amdanda), Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Yadav, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Sanokhar (Amdanda) P.S. Case No. 123 of 2022, registered for the offences punishable under Sections 379 of the Indian Penal Code and BMMC Rule, 2019, 56(1).

The allegation is regarding the accused persons namely, Bipin Kumar, Mithun Kumar and Fantush being engaged in digging sand from the raiyati land of one Janardan Mandal resulting in revenue loss to the government to the tune of Rs. 6,42,000/-. The petitioner is alleged to be supervising the digging of sand from the land in



question.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that neither the petitioner is alleged to be a sand picker nor he is the owner of the land in question nor he has amassed any sand illegally, hence he is not having any complicity in the matter.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner is neither the owner of the land in question nor he is one of the sand picker, apart from the fact that he is having a clean antecedent, I deem it fit and proper to admit the petitioner



herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st class, Bhagalpur in connection with Sanokhar (Amdanda) P.S. Case No. 123 of 2022, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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