

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26260 of 2023

Arising Out of PS. Case No.-219 Year-2021 Thana- BELAGANJ District- Gaya

1. MANTU KUMAR @ DHARAMJEET KUMAR @ DHARMJEET KUMAR S/O JAGDISH PRASAD Resident of Village- Sripur (Shripur), P.S.- Belaganj and District- Gaya.
2. DHANANJAY @ DHANANJAY PASWAN S/O RAMSWARUP PASWAN Resident of Village- Sripur (Shripur), P.S.- Belaganj and District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Adv.

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-07-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 379, 411 and 34 of the Indian Penal Code, Section 21 of MM(DR) Act & BM (CPIMTS) Rule 2019 and Bihar Mineral Equality Illegal Mining Transportation Prevention and Storage Amend Rule 2021.

The prosecution, in short, is that on the basis of secret information, a joint raid has been conducted in Belaganj Police Station Area. In the said raid, a huge quantity of sand has been seized, which was stored in village Simra, Sripur, Baraini and



Hasanpur.

Allegedly, petitioners are said to have involved in the illegal mining and selling of the seized sand.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have no concern either with the alleged storage of sand or its owner i.e. Yagvir Singh. They were made accused in the present case merely on the basis of suspicion. Similarly situated co-accused have been enlarged on bail by learned Court below. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Per contra, learned APP for the State vehemently opposed the bail petition.

Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioners and they were made accused in the present case merely on suspicion, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of



Rs.50,000/- (Rupees Fifty Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Belaganj P.S. Case No. 219 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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