

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 28443 of 2023

Arising Out of PS. Case No.-950 Year-2022 Thana- BARACHATTI District- Gaya

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1. GAUTAM SINGH @ GAUTAM KUMAR AND ANOTHER SON OF RAJENDRA YADAV RESIDENT OF VILLAGE BHADEYA BERI, PS BARACHATTI DISTT GAYA
 2. PRAMOD KUMAR SON OF ARJUN MISTRI RESIDENT OF VILLAGE BHADEYA BERI, PS BARACHATTI DISTT GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-07-2023 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code and Sections 21 and 56 of the MMDR Act.

3. The informant alleges that a tractor was seized with 20 cft. of sand along with equipment meant for excavating sand, further found from the place of occurrence that 1731 cft. of sand was mined causing loss of Rs. 1,17,176/- to the Government.

4. The learned counsel for the petitioners submits that petitioners are persons with clean antecedent and have been



falsely implicated in the present case, it is also submitted that from perusal of the allegation as alleged in the FIR it would manifest that the informant alleges that a tractor was seized on 16.10.2022 by the police and the information was given to the informant about the same based on which he came to the police station on 18.10.2022 and inspected the tractor and found 20 cft. of sand loaded on the tractor, thereafter, he went to the place of occurrence where he found that 1731 cft. of sand was also mined which caused loss of Rs. 1,17,176/- to the Government.

5. The learned counsel next submits that it absolutely does not stand to reason that the tractor was seized by the police on 16.10.2022 and the FIR came to be instituted on 21.10.2022 i.e. after a delay of more than 5 days, further if the informant was informed by the police about the seizure of the tractor then why the informant did not visit the police station promptly rather he went there on 18.10.2022 i.e., after a delay of two days, it is next submitted that it is not the case of the prosecution that 1731 cft. of sand which was found mined at the place of occurrence was done by the petitioners.

6. The learned counsel further submits that it appears that in order to save the real culprit the petitioners have been falsely implicated and their tractor was seized with an allegation



that 20 cft. of sand was found on the tractor. It is further submitted that petitioner no. 1 who is owner of the tractor is willing to compound the offence with respect to 20 cft. of sand which was found loaded on the tractor, it is further submitted that petitioners have no concern with 1731 cft. of sand mined at the place of occurrence nor it is the case of prosecution that it were the petitioners who had committed the said occurrence.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

8. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Barachatti P.S. Case No. 950 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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