

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32127 of 2023

Arising Out of PS. Case No.-246 Year-2021 Thana- BELAGANJ District- Gaya

Binod Mahto Son Of Munarik Mahto Resident Of Village - Fatepur, P.S. -
Belaganj, Distt. - Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45786 of 2023

Arising Out of PS. Case No.-246 Year-2021 Thana- BELAGANJ District- Gaya

Rakesh Kumar @ Budhan Mahto Son Of Basudeo Singh Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 32127 of 2023)

For the Petitioner/s : Mr. Y.C. Verma, Sr. Adv.

Mr. Gaurav Prakash, Adv.

For the State : Mr. Shyameshwar Dayal, APP

For the Mines Department: Mr. Naresh Dixit, Adv.

(In CRIMINAL MISCELLANEOUS No. 45786 of 2023)

For the Petitioner/s : Mr. Gaurav Prakash, Adv.

For the State : Mr. Shyameshwar Dayal, APP

For the Mines Department: Mr. Naresh Dixit, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 29-08-2023 As both these bail applications have cropped up from

the same police station case number, hence, with consent of

parties, they are being heard together and disposed of by this

common order.

2. Heard learned Senior Counsel for the petitioners,

learned A.P.P. for the State and the learned counsel for the



Mines Department.

3. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 379, 411, 34 of the Indian Penal Code and Rule 56 of Bihar Minerals (Samandan Prevention of Illegal Transport and Storage Amendment Rule, 2021).

4. As per the prosecution case, the allegation against the petitioners of excavation, illegal carrying, storage and sale of sand from the nature resources belonging to Government which caused loss of Rs. 4,26,000/- to the Government exchequer.

5. Learned Senior Counsel for the petitioners submits that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that the local Chowkidar disclosed the name of the petitioners. He further submits that there is no eye witness and independent witness of the occurrence except only officials who has disclosed that they have seen to stored and sell of sand which would go to show that the petitioners are falsely implicated in this case. Petitioner of Cr. Misc. No. 32127 of 2023 has eight criminal antecedent



and petitioner of Cr. Misc. No. 45786 of 2023 has nine criminal antecedents as mentioned in para-3 of this application.

6. Learned APP for the State and learned counsel for the Mines Department opposed the prayer for anticipatory bail.

7. Having regard to the facts and circumstances of the case, 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.25,000/- (Rupees Twenty Five 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.246 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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

