

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34996 of 2023**

Arising Out of PS. Case No.-307 Year-2020 Thana- AMARPUR District- Banka

DIWAKAR SINGH s/o of Mahendar Prasad Singh Resident of Village-
Govindpur, P.O.- Surihari, Baijudin, P.S.- Amarpur, District- Banka, Bihar
... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Department of Mines and Minerals, Bihar, Patna Bihar
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar
For the Opposite Party/s : Mr. Atul Chandra

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 25-07-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code, Section 21 of the MM (D&R) Act, 1957, Section 56 of the Bihar Minerals (Concessions, Prevention of Illegal Mining Transportation & Storage) Rules, 2019 and Section 15 of Forest and Environment Protection Act, 1986 pending in the learned court below.

3. As per the protectionist case, petitioner along with other co-accused persons are said to have involved in the illegal mining and transportation of the sand.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that the petitioner is made accused on the basis of the confessional statement of the co-accused Prashant Kumar. He



submits that there is no specific overt act against the petitioner. He further submits that there is no incriminating article has been recovered from the conscious possession of the petitioner. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State opposes for prayer for bail.

6. Considering the aforesaid facts and circumstances and the fact that there is no specific overt act against the petitioner, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Amarpur P.S. Case No.307/2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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