

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33455 of 2023**

Arising Out of PS. Case No.-194 Year-2022 Thana- ALAMNAGAR District- Madhepura

Arun Kumar Son Of Late Nago Sah @ Nago Singh Resident Of Village -
Ganiyari, P.S. - Alamnagar, Distt. - Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Kumar Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 23-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with
Alamnagar P.S. Case No.194 of 2022 registered for the offence
under Section 379 of the Indian Penal Code and Sections 4(1)
and 21 of the Bihar Minerals (Concession and Prevention of
Illegal Mining Transport and Storage) Rules.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.02.2022.

The allegation against the petitioner is to commit
theft of land lifting vehicle (poclain excavator) alongwith other
co-accused persons and further alleged to involve in illegal
mining activities of sand.

Learned counsel appearing on behalf of the petitioner



submitted that the name of petitioner surfaced on the basis of suspicion as raised through unknown villagers. It is submitted that no incriminating material recovered/surfaced during the course of investigation, which may connect petitioner with the present occurrence. It is also submitted that offence as alleged under Mining Act is bailable in nature and just to aggravate the allegations and make this offence non-bailable, present false allegation of theft of vehicle is raised through present F.I.R. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as save and except suspicion nothing appears incriminating against this petitioner coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 26.02.2022, let above named petitioner is directed to be released on bail in connection with Alamnagar P.S. Case No.194 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Udakishunganj, Madhepura/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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