

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35426 of 2023

Arising Out of PS. Case No.-78 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

MD. SAFIN @ SAFIN AHMAD Son of Hasan Ahmad Resident of Village -
Salimpur, P.S.- Jagdishpur, District - Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Departments of Mines and Geology, Government of Bihar, Patna through its Secretary Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shashi Priya Pathak

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 21-07-2023 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Jagdishpur Police Station Case No. 78 of 2023, dated 13.02.2023, disclosing offences punishable under Sections 379/411 of the Indian Penal Code and Section 56 of the Bihar Mineral (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019.
3. The prosecution case, as per the First Information Report, is that on 13.02.2023, at about 06:30 PM, on the basis of secret information regarding storage of sand, illegally extracted, at Salimpur Mango Orchard near the



graveyard, a raid was conducted and one tractor, having Chassis no. MDNAK48ACMTM52263, Engine no. CJ 1354/ML014479, was found loaded with 100 CFT of sand, which was illegally extracted. Upon seeing the raiding team, the driver of the said tractor fled away and the said tractor was seized and brought to the Police Station.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to the fact that the members of the sand mafia used to store the illegally mined sand in the mango orchard belonging to the petitioner and the petitioner was repeatedly objecting to the same. She further submits that the petitioner has also filed several complaints before the police and other authorities in the year 2022 itself, which would be evident from Annexure-2 series. She further submits that the name of the petitioner has been disclosed allegedly to the police by the co-villagers and the petitioner is neither the driver nor the owner of the seized tractor. She further submits that the petitioner has been implicated in this case at the behest of the sand mafia, against whom he has made complaint.



5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the name of the petitioner has been disclosed by the co-villagers and the petitioner had made complaint before the higher police officials in the year 2022 and he is not the owner/driver of the tractor, in question, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Jagdishpur Police Station Case No. 78 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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