

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34252 of 2023**

Arising Out of PS. Case No.-274 Year-2021 Thana- RAJAON District- Banka

Bageshwar Mandal Son Of Kailash Mandal Resident Of Village- Ajmeripur,
Ps- Nathnagar, Distt- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad, Advocate.
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 24-07-2023 Heard Mr. Brij Nandan Prasad, learned counsel for the
petitioner and learned APP for the State.

2. The Petitioner is apprehending his arrest in connection with Rajoun P.S. Case No.274 of 2021, registered for the offences punishable under Sections 379, 411 of the Indian Penal Code, Section 56(2) of Bihar Minerals (Concession, Prevention of illegal Mining, Transportation & Storage) Rule 2019 and Section 4(1) of MMDR, Act, 1957.

3. The petitioner, is allegedly found to be involved in illegal mining of sand. The police in course of raid seized a Mahindra Loader bearing Engine No.NBMA05262 along with



other vehicles.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner being owner of the aforementioned Mahindra Loader has been implicated in this case only on account of the fact that the vehicle has been found at the place of mining. However, he submits that the vehicle has been given on rent for loading of materials to the driver and he was not even aware as to what was being loaded by his driver. He also denied the fact that vehicle was recovered at the place of mining. Further, so far the offences are concerned, all are triable by the Magistrate and prior to the institution of this case, he has never been involved in any criminal case.

5. On the other hand learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fair antecedent of the petitioner as also the nature of allegation, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- (twenty thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate,



Banka in connection with Rajoun P.S. Case No.274 of 2021,
subject to the condition as laid down under Section 438(2) of
the Code of Criminal Procedure with further condition that one
of the bailors shall be the own/close family members of the
petitioner.

(Harish Kumar, J)

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