

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34531 of 2023

Arising Out of PS. Case No.-466 Year-2022 Thana- SHERGHATI District- Gaya

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Vinay Kumar @ Arvind Kumar Son of Kailash Prasad Resident of Village-
Kushabija, PS- Dobhi, District- Gaya.

... .. Petitioner

Versus

1. The State of Bihar.
2. Satyendra Prasad Son of Rampati Singh The Mines Inspector, District Mines
Office Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Sherghati (Dobhi) P.S. Case No. 466 of 2022 registered for
the offence punishable under Sections 379, 411 and 34 of the
Indian Penal Code, Section 56 of Bihar Minerals (Concession,
Prevention of Illegal Mining, Transportation & Storage) Rules,
2019 and Section 21 of Mines and Minerals (Development and
Regulation) Act, 1957.

3. As per prosecution case, the Mining Officer on the
basis of secret information conducted a raid and the local people
disclosed that the petitioner and co-accused persons are



indulged in illegal storage of sand.

4. It is submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in this case on the basis of secret information received by the informant and he has not committed any offence in the manner alleged. He further submits that the petitioner has got no criminal antecedent and he is not the owner of the tractor and has no concern with the sand recovered by the informant. Similarly situated co-accused persons, namely, Anil Kumar and Kailash Yadav have been granted bail by a co-ordinate Bench of this Court vide order dated 24.06.2023 in Cr. Misc. No. 20632 of 2023.

5. Learned APP for the State opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of the learned A.C.J.M. 1st Sherghati, Gaya in connection with Sherghati (Dobhi) P.S.Case No. 466 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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