

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36444 of 2023

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

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Pintu Kumar S/O Rajdev Yadav R/O Village. Dharmpur, PS. Dobhi, Distt. Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Satyendra Prasad S/O Rampati Singh The Mines Inspector, Dist. 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, A.P.P.
	Mr. Naresh Dikshit, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 31-07-2023 Heard learned counsel for the parties.

2. Petitioner apprehends arrest in a case registered for the offences 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. Petitioner, along with other accused persons, is alleged to be involved in illegal mining of the sand of Nilanjana river and they have extracted the sand and have loaded the same in three tractors which were seized by the Mining Officer and the Police.



4. It is submitted that petitioner has falsely been implicated in this case only on the basis of secret information received by the informant. Petitioner is neither driver nor owner of the tractors in question and he is not concerned with the sand recovery. Moreover, similarly situated co-accused persons have already been granted anticipatory bail by co-ordinate Benches of this Hon'ble Court *vide* orders dated 24.06.2023 and 21.07.2023 passed in Cr. Misc. Nos. 20632 of 2023 and 34531 of 2023 respectively.

5. Considering the facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-1st, Sherghati at Gaya in connection with Sherghati (Dobhi) P. S. Case No. 466 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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