

Arising Out of PS. Case No.-817 Year-2022 Thana- GHOSI District- Jehanabad

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... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Mining Officer, Jehanabad, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 25-07-2023 Heard Mr. Shivendra Prasad, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

2. The petitioner is apprehending his arrest in connection with Ghoshi P.S. Case No. 817 of 2022 registered for the offences punishable under Sections 379/34 of the Indian Penal Code.

3. It is alleged that in pursuance of letter no. 9393 dated 02.12.2022, an enquiry was conducted by the Revenue Karamchari, who informed the Circle Officer, Hulasganj that he came to know from the local people that the petitioner and one another co-accused are indulged in excavating illegal sand, in this way they excavated sand for about 1728 CFT, causing loss to the tune of Rs.1,84,032/- to the Government.



4. Learned counsel appearing on behalf of the petitioner submits that from the F.I.R. it is evident that the information of illegal mining was gathered from the villagers, however, the statement of none of the villagers has been recorded. He further submits that only on account of the past antecedent of the petitioner of similar nature, his name has been implicated in this case without their being any iota of evidence suggesting his complicity. He next submitted that the report of the Circle Officer, Hulasganj also shows that the ditch, which was found at the spot, was near a Mahadalit Tola and the petitioner has no concern with the said land. He lastly submits that the F.I.R. has been lodged at the instance of some unscrupulous persons of the village, however, he is ready to participate in the investigation and undertakes that he would remain physically present whenever and wherever his appearance is required by the investigating officer.

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

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that the petitioner has no concern with the alleged place from where illegal sand was excavated, coupled with his



undertaking, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Ghoshi P.S. Case No. 817 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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