

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47075 of 2023

Arising Out of PS. Case No.-12 Year-2023 Thana- MANER District- Patna

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PRAKASH YADAV S/O LATE TILAK YADAV @ TILAL MAHTO R/O
Village- Urwan, PS. (Chandwara), Urwa, Dist. Kodarma (Jharkhand)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. DEPTT. OF MINES AND MINERALS GOVT. OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sarvedev Singh, Adv.
For the State	:	Mr. Shyameshwar Dayal, APP
For Mines Department	:	Mr. Naresh Dikshit, Adv.,
		Ms. Kalpana, Adv.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-08-2023 Heard Mr. Sarvedev Singh, learned counsel

 appearing on behalf of the petitioner, Mr. Shyameshwar Dayal,

 learned A.P.P. for the State and Mr. Naresh Dikshit and Ms.

 Kalpana, learned counsels appearing on behalf of the Mines

 Department.

2. The petitioner apprehend his arrest in connection

with Maner P.S. Case No. 12 of 2023, dated 04.01.2023,

registered under Sections 379/411 of the Indian Penal Code.

3. The prosecution case, in brief, is that in raid illegal

excavation of sand, informant seized a poclain machine illegally

excavating sand from the bank of river Ganga near village

Lodipur and found evidence of extraction of 11,310 cubic feet



white sand, causing loss of Government revenue of Rs. 6,02,257/-.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he is driver. On perusal of the F.I.R., it reveals that allegation is primarily against the owner of the vehicle and he has been alleged to be responsible for causing loss to the Government by engaging in the illegal mining of sand.

5. Ms. Kalpana, learned Special P.P. for Mines Department, submits that petitioner has knowingly involved in illegal activities of illegal mining and once he deposit the fine along with value of the sand the petitioner can be released on bail.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

7. Having considered the rival submissions made on behalf of the parties, on perusal of the F.I.R. it appears that the allegation is primarily against the owner of the vehicle and the persons who are indulged in the illegal mining, the petitioner being driver is no where concern with the illegal mining and he has obeyed the owner of his master. The owner of the vehicle is also accused in the F.I.R. The petitioner has clean antecedent. I



am of the opinion that petitioner has prima facie made out a case to be released on bail, 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.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Miss Priya Kumari, learned J.M., Ist Class, Danapur, Patna in connection with Maner P.S. Case No. 12 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph no. 3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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