

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38339 of 2023

Arising Out of PS. Case No.-304 Year-2022 Thana- BELAGANJ District- Gaya

1. Jagu Kumar @ Yogendra Kumar S/O Jitendra Mahto @ Jitendra Prasad @ Jitendra Kumar R/O Village- Simra, Ps. Belaganj, Dist. Gaya
2. Deepu Kumar S/O Mantu Mahto @ Mahendra Kumar R/O Village- Simra, Ps. Belaganj, Dist. Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Mines And Geology Department, Govt. Of Bihar, Patna Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar,Advocate
For the Opposite Party/s	:	Mr.Nityanand, A.P.P
For the Mining/s	:	Mr. Naresh Dikshit Kalpana, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 30-10-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State as well as learned counsel for the Mining.

3. Earlier the petitioners were granted provisional bail *vide* order dated 31.07.2023 and learned counsel for the petitioners seeks confirmation of the provisional bail granted to the petitioners.

4. The petitioners are apprehending their arrest in



connection with Belaganj P.S Case No. 304/2022 dated 22.06.2022 registered for the offence punishable under Section 379 of the Indian Penal Code, Section 21 of the Mines and Minerals Act, Section 56 of the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) and Section 15 of the Environment Act.

5. As per the prosecution case, the petitioner and the co-accused persons are alleged to have stolen the sand illegally.

6. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case on mere suspicion. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. There is a delay in lodging the F.I.R. Learned counsel has further submitted that the petitioners are students and have no concern with the stolen sand.

7. Learned A.P.P. for the State as well as learned counsel for the Mining have vehemently opposed the prayer of anticipatory bail of the petitioners.

8. Considering the aforesaid facts, the provisional bail granted to the petitioners *vide* order dated 31.07.2023 is hereby confirmed in connection with Belaganj P.S. Case No. 304/2022 to the satisfaction of learned A.C.J.M.-II, Gaya, with the condition:-

(i). The petitioner are directed to remain physically



present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

9. This application stands allowed.

(Chandra Prakash Singh, J)

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