

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43658 of 2023

Arising Out of PS. Case No.-582 Year-2022 Thana- ALOULI District- Khagaria

CHANDRADEV KUMAR YADAV S/O NANHU YADAV Owner-cum-Driver of Poklane Tata Hitachi Poklane, Model No. Ex200 Super, Machine Serial No. 5200-52867 Engine No. 84280596, DL. No. JH-02/2009/0003640, R/O Village- Singhpur Oriya, P.S- Barhi, Distt.- Hazaribagh (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-08-2023 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner apprehends his arrest in a case registered for the offence punishable u/s 379, 411 of the IPC and 21 MM(DR) Act, Rule 11, 56(i)(ii) Bihar Mineral (Concession Prevention of Illegal Mining Transportation and Storage) Amendment Rule, 2021 and section 15 of Environment Act, 1986.

3. Allegedly, one Tractor and Poclain used in illegal mining of white sand from river without any valid Government permit was seized and it is alleged that petitioner is the owner of the said Poclain machine.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He



has been falsely implicated in this case. He has been made accused in this case on the basis that he is owner of the seized Poclain machine but the real fact is that the said Poclain machine was given to the construction company namely Jyoti Construction Company by the petitioner, which is itself clear from the seizure list and there is no involvement of the petitioner in the alleged mining of sand illegally. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. Petitioner has no criminal antecedent.

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

6. Having regard to the facts and circumstances of the case, 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 six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Alauli P.S. Case No.582/2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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