

Arising Out of PS. Case No.-122 Year-2023 Thana- AMBA District- Aurangabad

Arising Out of PS. Case No.-122 Year-2023 Thana- AMBA District- Aurangabad

- Petitioner/s

Versus

- Opposite Party/s

For the Petitioner/s	:	Mr.Ashok Kumar Singh, Advocate Mr. Abhishek Kumar Singh, Advocate
For the MINES	:	Mr. Naresh Diksit, Spl PP Mr. Urfan Ahmad, Advocate

2 04-08-2023 1. Heard the learned counsel for the
petitioners and learned APP for the State.

2. This is an application for grant of
anticipatory bail in connection with Amba P.S. Case
No.122 of 2023, registered for offences under
Sections 379/411 of the IPC and Section 21
(MMDR) Act, 1957 and Rule 11, 18 43 of the Bihar
Mines and Mineral Rules, 2019.

3. The allegation is regarding recovery of
8000 cubic feet of sand, which was kept on the
river bank near village-Partra.



4. The learned counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that the place from where sand had been recovered, does not belong to the petitioner, and moreover as far as the allegation levelled against the petitioners regarding storing of sand is concerned, the same is not based on any evidence.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the sand has been recovered from the river bank and not from the premises of the petitioners, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

7. Accordingly, the above named



petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Aurangabad in connection with Amba P.S. Case No.122 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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