

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48883 of 2023

Arising Out of PS. Case No.-270 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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MANISH KUMAR @MANISH BHARTI SON OF N.P. BHARTI
RESIDENT OF VILLAGE - NEAR AANGANBARI, WARD NO. 02,
HAKIMABAD, SAMASTIPUR, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Giri, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 16-10-2023 Heard learned counsel for the petitioner and the learned
Additional Public Prosecutor (for brevity 'APP') for the State.

2. The petitioner is apprehending his arrest in connection with Samastipur (M) P.S. Case No. 270/ 2023 registered for the offence punishable under Sections 379, 411 of the Indian Penal Code (for brevity 'IPC') and Section 21 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019.

3. Police have recovered J.C.B. Machine, indulging in illegal mining of 'white sand'. There is alleged loss to the State exchequer to the tune of Rs. 10,62,392/- (Ten lacs sixty two thousands, three hundred and ninety two).

4. Learned counsel for the petitioner submits that from



perusal of the seizure memo, it is obvious that other than the J.C.B. Machine, there is no seizure of any white sand. In fact, the petitioner's J.C.B. Machine was parked near his a plot of land, and he had no knowledge about the same. It is stated that he has no criminal antecedents.

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

6. Having regard to the submissions advanced by the petitioner's counsel, nature of allegations, clean antecedents of the petitioner and their being no recovery from him as also no mineral has been recovered, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Judge V-cum-ACJM II, Samastipur, in connection with Samastipur (M) P.S. Case No. 270/2023, subject to the following conditions:

(i) That one of the bailors of each of the petitioner will be a close relative of the petitioner who will give an affidavit giving genealogy as to



how he is related with the petitioner concerned.
The bailors will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

Raj kishore/-

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