

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51187 of 2023

Arising Out of PS. Case No.-244 Year-2021 Thana- BELAGANJ District- Gaya

BINOD KUMAR @ BINOD MAHTO Son of Mundrika Singh Resident of
village - Sripur Fatehpur, P.S. - Belaganj, Distt. - Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kr. Sinha
For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-08-2023 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Belaganj Police Station Case No. 244 of 2021, disclosing offences under Sections 379/411/34 of the Indian Penal Code and Rule 56 of Bihar Mineral (Concession, Prevention of Illegal Mining, Transportation and Storage) Amendment Rule, 2021.

The prosecution case, on the basis of the First Information Report, is that on the basis of secret information about illegal mining, transportation and storage of sand in village Diha, the informant, on 05.08.2021 at about 02:00 PM, along with police personnel, reached at the place of occurrence and found 11,000 C.F.T. of sand in the land of Sunil Singh. The



local chowkidar has disclosed the name of the petitioner and others, who are involved in illegal mining, transportation and storage of sand.

Learned Counsel for the petitioner submits that the petitioner is a social worker and has falsely been implicated in this case due to the fact that the petitioner along with other accused persons used to protest against the illegal mining of sand in the locality. He further submits that at the behest of local chowkidar, the petitioner has been made accused in the present case. He next submits that similarly situated co-accused person, namely, Budhan Mahto, having 10 criminal antecedents, has been granted anticipatory bail by a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 20240 of 2023. He next submits that all the criminal antecedents against the petitioner is the result of false cases filed against him by the chowkidar and the petitioner is on bail in all the cases.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the similarly situated co-accused person has been granted anticipatory bail by a Co-ordinate Bench of this Court, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.



Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Gaya, in connection with Belaganj Police Station Case No. 244 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

ashwani/-

U	✓	T	✓
---	---	---	---

