

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48318 of 2023

Arising Out of PS. Case No.-266 Year-2022 Thana- MADHEPUR District- Madhubani

POONAM KUMARI @ POONAM DEVI W/o Yogendra Narayan Yadav R/o
Village-Bochahi, P.S.-Madhepur, District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hriday Narayan Harshit, Advocate
For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 11-08-2023 1. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.
2. The petitioner apprehends her arrest in connection with Madhepur P.S. Case No. 266 of 2022, registered for the offences punishable under Section 379 of the Indian Penal Code, Section 21MM (D & R) Act, 1957 and Rule 56(2) of the Bihar Minerals Concessional Prevention of Legal Mining Transportation and Storage Rules, 2019.
3. The allegation is regarding one back folder JCB vehicle having been seized by the informant on the alleged date and time of occurrence which was engaged in illegally excavating mud from Bhutahi Ballan river causing



loss to the exchequer of the Government of Bihar.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and she has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in one another case but she is on bail in the said case. The learned counsel for the petitioner has also submitted that merely since the petitioner is the owner of JCB vehicle in question, she has been falsely implicated in the present case, however, the fact remains that she was neither operating the said JCB vehicle nor was present at the spot. Lastly, it is submitted that the actual fact is that the mud was being excavated from the land of the petitioner situated near the bank of the river in question.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory 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 it is the specific averment of the petitioner in the present petition that the earth/mud was being excavated by the JCB vehicle of the petitioner from the land of the petitioner for construction of an embankment to prevent the flood water from entering into her premises, apart from the fact that she is having a clean antecedent, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

7. Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of her arrest/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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Jhanjharpur, District-Madhubani in connection with Madhepur P.S. Case



No. 266 of 2022,subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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