

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49463 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- JHANJHARPUR District- Madhubani

1. MD. SAJID S/O MD. ABUL ASAD @ ABDUL ASAD R/O VILLAGE/
MOHALLA- KANHAULI, PS. JHANJHARPUR, DIST. MADHUBANI
2. MD. JAHID S/O MD. ABUL ASAD @ ABDUL ASAD R/O VILLAGE/
MOHALLA- KANHAULI, PS. JHANJHARPUR, DIST. MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Prasad

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 11-08-2023 1. Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Jhanjharpur Police Station Case No. 05 of 2023, dated
14.01.2023, disclosing offences punishable under
Sections 379/353 of the Indian Penal Code, Section 21 of
the M.M.A.D. Act and B.M.C. Rules and Section 56(2) of
the M.M. (D and R) Amendment Act, 2021.
3. The prosecution case, as per the First Information Report
lodged by the District Mining Officer, is that on
14.01.2023, he intercepted two tractors loaded with
illegally extracted soil mixed sand and arrested co-



accused Md. Pyare, who started making ruckus and got the tractors freed from the custody of the informant. It has further been alleged that the arrested co-accused disclosed the names of the petitioners and others, who are involved in the illegally mining of sand.

4. Learned Counsel for the petitioner submits that the petitioners have been made accused in this case on the basis of disclosure of their names by the arrested co-accused, Md. Pyare. He further submits that the petitioners were not found to be indulged in the illegally mining of the sand and no vehicle and/or illegally extracted sand have been recovered from their possession. He further submits that the petitioners have got no criminal antecedent of similar nature of offence.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the name of the petitioners have transpired on the basis of disclosure of their names by the arrested co-accused, who was apprehended along with the tractors, loaded with illegally extracted sand, I am inclined to grant the petitioners privilege of anticipatory bail.
6. This application is, accordingly, allowed.



7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Jhanjaharpur, Madhubani, in connection with Jhanjharpur Police Station Case No. 05 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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