

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50347 of 2022**

Arising Out of PS. Case No.-76 Year-2021 Thana- SARE District- Nalanda

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1. VINAY YADAV @ VINAY KUMAR YADAV S/o Ramashray Yadav R/o Village- Piparapur, P.S.- Sare, District- Nalanda.
  2. Mukesh Yadav S/o Naresh Yadav Resident of Village- Mathi Tola Aalampur, P.S.- Bibhitipur, District- Samastipur.
  3. Radhe Yadav S/o Late Shiv Yadav Resident of Village- Mathi Tola Aalampur, P.S.- Bibhitipur, District- Samastipur.
  4. Sukhal Yadav @ Sukul S/o Chando Yadav Resident of Village- Mathi Tola Aalampur, P.S.- Bibhitipur, District- Samastipur.
  5. Kara Yadav S/o Naresh Yadav Resident of Village- Mathi Tola Aalampur, P.S.- Bibhitipur, District- Samastipur.
  6. Radhe Yadav S/o Bhushan Yadav Resident of Village- Mathi Tola Aalampur, P.S.- Bibhitipur, District- Samastipur.
  7. Makeswar Yadav S/o Lakhan Yadav R/o Village- Piparapur, P.S.- Sare, District- Nalanda. ... .. Petitioner/s

Versus

1. The State of Bihar
2. Deputy Director, Mines and Geology Department, Nalanda, Bihar Sharif Bihar. ... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Raj Kishor Prasad  
For the Opposite Party/s : Mr.Shyameswar Dayal

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY**

ORAL ORDER

2      17-01-2023                      The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Sare P.S. Case No. 76 of 2021 registered for offence punishable under sections 188, 379, 411 and 120B of the Indian Penal Code.

As per allegation, illegally mined sand was stored by



the side of the road. The petitioners, who are named in the FIR, are alleged to be in possession of that sand.

The learned counsel for the petitioners has submitted that the petitioners are the persons of clean antecedents. They have no concern with the alleged sand and it has wrongly been mentioned that they were in possession of the alleged sand. The land where illegally mined sand was stored, was not belonging to the petitioners.

Considering the above-mentioned facts and circumstances, the petitioners above-named, in the event of their arrest or surrender, within four weeks from today, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Nalanda at Bihar Sharif in connection with Sare P.S. Case No. 76 of 2021, subject to condition as laid down under section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

**(Nawneet Kumar Pandey, J)**

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