

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52763 of 2023

Arising Out of PS. Case No.-162 Year-2023 Thana- ROHTAS District- Rohtas

=====

ASHOK YADAV @ ASHOK KUMAR Son of Bhola Yadav Resident of
Village-Dhelabag, P.S.-Rohtas, District-Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwari, Adv.

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

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-08-2023 Heard Mr. Ajay Kumar Tiwari, learned counsel

appearing on behalf of the petitioner and Mr. Shyameshwar

Dayal, learned A.P.P. for the State.

2. The petitioner apprehend his arrest in connection
with Rohtas P.S. Case No. 162 of 2023, dated 17.06.2023,
registered under Sections 379, 411, 414, 279, 336, 427, 34 of the
Indian Penal Code.

3. The prosecution case, in brief, is that as per the
fardbeyan of informant namely, ASI Shiv Kumar Mandal, on
17.06.2023 at about 10.36 hrs received an information that the
accused Ashok Yadav and his nephew Arbind Yadav, have
transported the sand illegally at Jalim Bigha, though tractor and
the Sanha No. 592, dated 17.06.2023 in this regard has been
lodged. It is further alleged that the informant alongwith other
officials proceeded at the place of occurrence at Vill-Karma



Mahajid More and found that Ashok Yadav, came toward Sone river and he was followed by a tractor loaded with sand. He further alleged when Ashok Yadav, saw the Police team he instructed the driver of the tractor to flee away and he also fled away on his motor-cycle rashly. The police team tried to overpower the petitioner but they were managed to flee away and in that course the driver of the tractor Arbind Kumar, dash his tractor to a trolley of the tractor standing at Navdih and the trolley of Arbind Kumar tractor got damaged. Thereafter, the police team tried to overpower the petitioner but he managed to flee away and the seizure list of the tractor bearing Engine No. 33.1008/SBL04162, Chasis No, MBNAG4BACLTL69782, without registration number was prepared and the case was registered against the accused persons.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is no concern with the Tractor nor he is involved in any manner in illegal mining. The petitioner has clean antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner. He submits that there is violation of provision of Mines and Minerals Act, 2021. However, from perusal of the F.I.R. it also



appears that the petitioner was involved in illegal mining of the sand.

6. Having considered the rival submissions made by the parties that the Tractor and Trolly belongs to some other accused person, the petitioner having clean antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M., Ist Class, Dehri, Rohtas in connection with Rohtas P.S. Case No. 162 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The Court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph no. 3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

pravinkumar/-

U		T	
---	--	---	--

