

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54040 of 2023

Arising Out of PS. Case No.-732 Year-2020 Thana- BAGHA District- West Champaran

BAIDHYANATH YADAV @ BAIJNATH YADAV Son of Lakho Mahato @
Lakho Yadav Resident of Village-Lathiya, Post Office-Kewal, Police Station-
Barhi, District-Hajaribagh (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 23-08-2023 1. Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail
in connection with Bagaha (Pathkhauli) PS case no. 732 of
2020, registered for the offences punishable under Section
379/34 of the Indian Penal Code, Sections 4 and 40 of the
B.M.C. Act and Section 8(D) of Mineral Act.
3. The allegation is regarding the informant having
got information from Sub Divisional Officer, Bagaha that illegal
soil mining was going on at Tirhut Main Canal, whereupon the
informant had arrived at the spot, on the alleged date and time
of occurrence and found two Hywa vehicle loaded with soil and
one Poklain machine present there, whereafter the drivers of the



said vehicles were arrested and they disclosed that the petitioner is the owner of the Poklain machine in question.

4. The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against the accused persons and the petitioner is merely the registered owner of the Poklain machine and he has been falsely implicated in the present case whereas the fact is that he has got nothing to do with the alleged occurrence. It is also submitted that similarly situated co-accused person has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 25.07.2023, passed in Cr. Misc. no. 31276 of 2023.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for 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 parity of the case of the petitioner with that of the co-accused person who has already been granted



the privilege of anticipatory bail, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional Chief Judicial Magistrate 1st, Bagaha, West Champaran in connection with Bagaha (Pathkhauri O.P.) PS case no. 732 of 2020, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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