

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56156 of 2023

Arising Out of PS. Case No.-120 Year-2020 Thana- RUDRAPUR District- Madhubani

VIVEK KUMAR THAKUR son of Raj Kumar Thakur RESIDENT OF
VILLAGE- CHHACHHA PS- RAYAM DIST- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner apprehends his arrest in a case registered for
the offence punishable u/s 379/34 of IPC and 4(1)(A) MMRD
Act, 1957 and 56 of Bihar Minerals Concession Prevention of
Illegal Mining Transportation and Stores Rule, 2019.

3. Allegedly, petitioner is involved in illegal mining of sand
from Kamla ghat. Several sand loaded vehicles were seized
from the spot. Petitioner is the driver of the seized JCB machine
bearing Reg. No.BR01GE-1854.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case merely on suspicion. No
incriminating article has been recovered from the conscious



physical possession of the petitioner. Petitioner has no criminal antecedent and several other co-accused being the owners and drivers have been granted anticipatory bail by this Bench and co-ordinate Benches of this Court.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, since similarly situated co-accused have been granted bail, 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 six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Rudrapur P.S. Case No.120/2020, corresponding to G.R. No.1952/2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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