

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59997 of 2023

Arising Out of PS. Case No.-158 Year-2022 Thana- PARAIYA District- Gaya

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UMESH YADAV @ UMESH KUMAR SON OF UDAY YADAV
RESIDENT OF VILLAGE - VISHUNPURA, P.S. - PARAIYA, DISTRICT -
GAYA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR PATNA
2. AMITABH SON OF LATE SURYAMOHAN PRASAD THE MINES
INSPECTOR, DISTRICT MINES OFFICE, GAYA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Vijay Kumar, Adv.
For the Opposite Party/s	:	Mr.Shyameshwar Dayal, APP
For the Mines Dept.	:	Mr.Naresh Dikshit, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-10-2023 Heard learned counsel for the parties.

2. Petitioner apprehends his arrest in connection with Paraiya
P.S. Case No.158/2022, registered for the offence punishable u/s
379, 411, 147, 149, 353, 336, 283 of the IPC and 21 of the
MM(DR) Act and Rule 56 BM(CPIMTS) Rules.

3. As per the prosecution case, in course of raid, three tractors
loaded with 125CFT sand was seized and one accused was
apprehended. It is alleged that two accused persons fled away from
the spot and some persons started pelting stones on the raiding
team. It is disclosed by the Chaukidar that the petitioner was
leading the persons who were pelting stones.

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. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. No incriminating article has been recovered from the conscious physical possession of the petitioner. The recovered sand and the tractors does not belongs to the petitioner and due to village politics, he has been made accused in this case. He has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the Mines Department opposed the prayer for bail by submitting that the petitioner is the main accused, which is clear from the F.I.R. itself.

6. Having regard to the facts and circumstances of the case and considering the nature of allegation, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is accordingly dismissed.

8. However, petitioner is at liberty to surrender before the learned court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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