

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55275 of 2022

Arising Out of PS. Case No.-253 Year-2022 Thana- LAXMIPUR District- Jamui

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1. SANJAY YADAV Son of Horil Yadav R/V- Karmatar, P.s- Laxmipur, Dist- Jamui
 2. Mahesh Yadav Son of Parmeshwar Yadav R/V- Arbariya, P.s- Laxmipur, Dist- Jamui
 3. Pintu Kumar @ Pintu Yadav Son of Nago Yadav @ Nageshwar Yadav R/V- Bhumimahdar, P.s- Laxmipur, Dist- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar through the Secretary, Dept. of Bihar Mines and Minerals, Bihar, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Raj

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 30-01-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

From perusal of the order-sheet, it appears that the prayer for bail with regard to petitioner no.1 has already been dismissed as withdrawn vide order dated 02.01.2023. Now, this application survives only for petitioner nos.2 and 3.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code and Section 21 of the Bihar Mines and Minerals (Concessions Prevention of Illegal Mining,



Transportation and Storage) Amendment Rules, 2021.

The allegation against the petitioners is that they have illegally collected the sand by storing it at gair majarua land and caused loss to the tune of Rs.9,62,650/- to the government.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have no criminal antecedent as mentioned in para-3 of this application. It is further submitted that petitioners have deposited the loss amount which is indicated in the F.I.R.

Having regard to the facts and circumstances of the case as well as the fact that the petitioners have deposited the loss amount, let the above named petitioners, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Laxmipur P.S.



Case No.253 of 2022, subject to the condition as laid down
under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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