

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60458 of 2023

Arising Out of PS. Case No.-411 Year-2022 Thana- BARUN District- Aurangabad

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Raju Kumar, Son Of Mahendra Singh, Resident Of Village - Sahaspur, P.S. -
Barun, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The General Manager, Mines And Mineral Department, Govt. Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar Singh, Advocate
For the State	:	Mr. Shyameshwar Dayal, APP
For the O.P. No.2	:	Mr. Naresh Dikshit, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 13-12-2023 Heard learned counsel for the petitioner and learned

APP for the State as well as learned counsel for opposite party

no.2.

2. In this case, the petitioner is apprehending her arrest in connection with Barun P.S. Case No. 411 of 2022, registered for the offences under Sections 379 and 411 of the Indian Penal Code, Section 4(1A) 21 of the MMDR Act, 1957 and Section 15 of the Environment Protection Act, 1986.

3. As per prosecution case, petitioner along with other co-accused persons were found involved in storage of about 8000 CFT of illegal sand.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Petitioner has no concern with the alleged offence. The petitioner was named in this case merely on suspicion as he was not even seen at the spot and has nothing to do with the place from where the seizure has been made. The petitioner has no concern with the vehicle seized in this case. Similarly placed co-accused Monu Kumar has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 22.05.2023 passed in Cr. Misc. No. 62327 of 2022. Learned counsel further submits that without admitting any guilt and without admitting participation in the offence, the petitioner is ready to pay the penalty which may be imposed by the authorities. Petitioner is having clean antecedent.

5. Learned counsel appearing on behalf of Department of Mines vehemently opposes the submission made on behalf of the petitioner. Learned counsel submits that the informant, who himself is the Station House Officer, named this petitioner for being involved in the storage of huge quantity of sand.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and the fact about lack of material against the petitioner and also considering the submission that the petitioner is ready to pay the penalty imposed upon him by the authorities, let the petitioner above named, in the event of his arrest or surrender before the court



concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad/court concerned in connection with Barun P.S. Case No. 411 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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