

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64300 of 2023

Arising Out of PS. Case No.-59 Year-2023 Thana- BIND District- Nalanda

SUDHANSHU KUMAR son of Vijay Kumar Village- Jodhan Bigha Ps-
Belchi Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Rina Sinha, Addl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and the
State.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 379 and 411/34 of the I.
P . C .

3. Allegation against the petitioner is that he along
with other co-accused persons used to excavate and transport
the illegal sand and soil by hired Hywa trucks using Poclain and
JCB from Jarain river situated at village Nourang, One Hywa
truck bearing Registration No. NL02N 8687, loaded with illegal
sand and motorcycle bearing Registration No. BR 01CD 1222



were recovered from the place of occurrence and accordingly seizure has been prepared. Petitioner has caused, loss of Rs. 14,81000/- of Government revenue by illegally mining the sand and soil.

4. It is submitted on behalf of the petitioner that the petitioner is innocent, has committed no offence and he has falsely been implicated in this case. There is no independent witness in the seizure list. The petitioner is neither owner nor driver of the seized vehicles. The only allegation against the petitioner is that out of somewhere secret information popped up that the petitioner is engaged in illegal sand mining.

5. Learned counsel for the State opposes the prayer for bail and submitted that this petitioner was found indulged in illegal mining of sand without permission and has got one criminal antecedent of similar nature .

6. Considering the nature of accusation and also the fact that petitioner has got one criminal antecedent of similar nature , prayer for pre-arrest bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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