

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73599 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- MAGADH UNIVERSITY District- Gaya

AVAY KUMAR @ ABHAY KUMAR Son of Ram Pravesh Singh Residing at
Near Gauralshni More, Dani Market, P.S- Manpur, Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Mining Inspector, through the Commissioner-Cum Principal Secretary, Govt. of Bihar, patna District Mines officer, Dist- Gaya through the Commissioner-Cum- Principal Secretary, Department of Mines and Geology, Govt, of Bihar Vikas Bhawan, Bailey Road , Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s	:	Mr. Shyameshwar Dayal, A.P.P.
For the Mines	:	Mr. Naresh Dikshit, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 03-07-2023 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the Department of Mines and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code.

The informant alleges that during search he found four vehicles laden with sand out of which two vehicles were seized. It is further alleged that Vehicle Bearing No. BR-02GC-3998 laden with 600 cft. of sand fled from the place of occurrence.



Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that it absolutely does not stand to reason that how the informant came to know that what amount of sand was laden on the vehicle in question which is alleged to have fled from the place of occurrence, it is further submitted that neither the vehicle was seized nor the driver was apprehended and the entire allegation is based on surmises and conjectures, it is further submitted that it appears that in order to save the real culprit the present false case came to be instituted that the vehicle of the petitioner was also present at the place of occurrence laden with sand, it is also submitted that petitioner will contest the case, it is next submitted that had the vehicle been seized then definitely the petitioner would have paid the compounding fee.

The learned counsel appearing for the Department of Mines opposes the bail application but is not in a position to rebut the submission of the learned counsel for the petitioner that the vehicle was not seized nor the driver was apprehended.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Magadh University P.S. Case No. 24 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

GauravSinha/-

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