

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65313 of 2022**

Arising Out of PS. Case No.-8 Year-2022 Thana- MAGADH UNIVERSITY District- Gaya

Ram Chandra Yadav, S/o Rupan Yadav, R/v- Mastpura, P.S.- Bodh Gaya,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 03-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner is apprehending his arrest in connection with Magadh University P.S. Case No. 08 of 2022 registered for the alleged offences under Sections 379 and 420 of the Indian Penal Code.

As per prosecution case, the petitioner was allotted contract for mining of sand from certain identified areas. However, allegation against the petitioner is that he went outside the allotted areas and started mining the sand thus causing loss to the Government amounting to Rs. 7,98,750/-.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on suspicion. Nothing has been recovered from his



possession. The petitioner is made accused on the basis of information gathered from the villagers but none of the villagers came on record to support the allegation of illegal mining against the petitioner. However, the petitioner has deposited the amount of Rs. 7,98,750/- to the Government Exchequer and vide Letter No. 5792 dated 16.12.2022 of Senior Deputy Collector-cum-Incharge, Mining Department Office, Gaya, this fact has been admitted.

Learned APP opposes the prayer for anticipatory bail submitting that the petitioner was illegally mining the sand outside his allotted area thus causing loss to the Government Exchequer.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner is said to have deposited the amount of loss caused to the Government, 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 bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Magadh University P.S. Case No. 08 of 2022, subject to the conditions mentioned in Section 438(2) of the



Cr.P.C. and the 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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