

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62484 of 2023

Arising Out of PS. Case No.-176 Year-2022 Thana- SILAO District- Nalanda

Mantu Yadav Son of Arvind Yadav R/o vill - Banauli, P.S. - Silao, Distt. - Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Silao P.S. Case No. 176 of 2022, registered on 20.07.2022, for the alleged offence under Sections 379, 420, 411, 34 of the Indian Penal Code.

03. As per prosecution case, in a drive against illegal mining, raids were conducted and from an identified place, 14,900 cubic feet of sand was recovered. The name of petitioner and other co-accused persons transpired during investigation as the persons who illegally stored the sand.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The name of petitioner transpired merely on disclosure of



local Chowkidar and local people and there is no tangible material against the petitioner. The petitioner is not involved in any business of illegal mining of sand. Moreover, recovery has not been made from any place connected with the petitioner rather it has been made from an open place i.e. near the village road. The petitioner has got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering remoteness of allegation against the petitioner and possibility of false implication, 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. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Silao P.S. Case No. 176 of 2022, subject to the condition 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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