

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63280 of 2023

Arising Out of PS. Case No.-466 Year-2022 Thana- SHERGHATI District- Gaya

Jitendra Kumar S/O Ramdev Sah @ Ramdev Saw R/O Village- Hardawan,
Ps. Dobhi, Distt. Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Satyendra Prasad S/O Rampati Singh The Mines Inspector, District Mines
Office Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar, Advocate
For the Opposite Party/s	:	Mr. Shyameshwar Dayal, APP
For Mines Department	:	Mr. Naresh Dikshit, SPL PP
		Mr. Brij Bihari Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as the informant.

2. The petitioner apprehends arrest in connection with
Sherghati (Dobhi) P.S. Case No. 466 of 2022 dated 09.06.2022
instituted for the offence punishable under Sections 379, 411/34
of the Indian Penal Code and Section BM (CPIMTS) U/s 56 and
MM (D&R) Act U/s 21.

3. The prosecution case, in short, is that the Mining
Officer (informant), on the basis of secret informant, conducted
a raid and the local people disclosed that the petitioner and other
co-accused persons are indulged in illegal mining of sand from
Nilanjana river and they have mined 100 feet in length, 60 feet



in breadth and 02 feed in height sand from the said river. It is also alleged that during course of raid, the Mining officer caught three tractors loaded with 125 Cft sand in each tractor but the drivers of the said tractors managed to escape away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner is neither the owner of the tractors nor the driver of the said seized tractors. The name of the petitioner has transpired in this case only on the basis of the information given by the local people. Learned counsel for the petitioner further submits that similarly situated co-accused, namely, Vinay Kumar @ Arvind Kumar has been granted anticipatory bail vide order dated 21.07.2023 passed by a co-ordinate Bench of this Court in Criminal Miscellaneous No. 34531 of 2023. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Sherghati (Dobhi) P.S.



Case No. 466 of 2022, he will be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- 1st Sherghati at Gaya, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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