

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64931 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- JADIA District- Supaul

1. Amit Kumar Son of Anmol Yadav R/o Lachhminiya, Ward No. 12, P.S- Jadiya, Dist- Supaul
2. Manoj Yadav Son of Nago Yadav @ Nageshwar Yadav R/V- Datua, (Mangad) P.S- Jadiya, Dist- Supaul
3. Subhash Yadav @ Subhash Kumar Yadav Son of Parmeshwari Yadav R/V- Sakhua Maheshuwa Babhangama, P.S- Triveniganj, Dist- Supaul
4. Bidya Nand Yadav Son of Late Bhumi Yadav R/V- Lachhminiya Ward No. 12, P.S- Jadiya, Dist- Supaul
5. Amar Kumar @ Pintu Son of Late Mahendra Yadav R/V- Lachhminiya Ward No. 12, P.S- Jadiya, Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Kumar Mehta, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-05-2023 Heard learned counsel appearing on behalf of the
petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Jadia P.S. Case No. 31 of 2022, registered under Sections 341, 323, 353, 188, 504 and 506/34 of the Indian Penal Code.

The prosecution case, in brief, is that the petitioners have been found engaged in illegal mining of sand.

Learned counsel appearing on behalf of the petitioners submitted that petitioners without intention have



excavated certain amount of sand from the bank of Tamkullaha Tapra tola for which no auction has been made by the State Government and it is not prohibited by the State Government. The allegation made in the F.I.R. is not sustainable as petitioner had never engaged in such illegal mining in any of the notified area of the State Government.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

Having considered the rival submissions of the parties as well as the fact that no recovery has been made from the petitioners. Let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Supaul in connection with Jadia P.S. Case No. 31 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Purnendu Singh, J)

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