

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66347 of 2022

Arising Out of PS. Case No.-329 Year-2022 Thana- NADI P.S. District- Patna

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BINOD MAHTO @ VINOD MAHTO @ BINOD KUMAR S/o Sri Sakaldip
Mahto R/o Village- Sabalpur, Gulmahiya Bagh, P.S.- Nadi, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Kumar

For the Opposite Party/s : Mr. Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 27-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State along with learned counsel, Mr. Birj Bihari
Tiwari, appearing for the Department of Mines.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code and Rule 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019.

Learned counsel for the petitioner submits that the petitioner has antecedent of one case and allegation against him is that 52,000 cubic feet of white sand was found illegally stored on his land.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is



next submitted that it has been specifically pleaded that the plot from which the sand was recovered does not belong to the petitioner, it is also submitted that when the present FIR came to be instituted, at that time, petitioner was in custody, as such, is not aware that how and on what basis, he came to be implicated in the present case when the land from which the sand was recovered does not belong to him. Learned counsel next submits that from perusal of the FIR, it would manifest that the date of occurrence is 22.08.2022, on that date the petitioner was in custody but then the FIR came to be instituted on 26.08.2022 when the petitioner was released from custody on 24.08.2022, this amply demonstrates that in order to falsely implicate the petitioner, the present FIR came to be instituted or else it does not stand to reason that as to why the FIR came to be instituted on 26.08.2022 when the alleged recovered sand on the land was found on 22.08.2022.

Learned A.P.P. for the State along with learned counsel appearing for the Department of Mines opposes the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned counsel for the petitioner that the date of occurrence is 22.08.2022 and the FIR came to be instituted on 26.08.2022.



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 Nadi P.S. Case No. 329 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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