

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68563 of 2022

Arising Out of PS. Case No.-186 Year-2021 Thana- KONCH District- Gaya

BANT YADAV @ RAMASHANKAR YADAV Son of Jagdish Yadav R/V-
Tetarpur, Pachanpur, P.S- Tekari and Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-04-2023 Heard learned counsel appearing on behalf of the parties.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioner named in the F.I.R. and apprehend his arrest in connection with Konch P.S. Case No. 186 of 2021 registered for the offences punishable under Sections 147, 148, 149, 379, 411, 323 and 353 of the Indian Penal Code, Sections 4(1A) and 21 of the Mines and Mineral Act and Rules 11, 43, 56 and 61 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019.

The allegation against the petitioner is to engage in illegal mining of sand and its over loading transportation along



with other co-accused persons. It is further alleged thereof that petitioners along with other accused persons pelted stone on police personnel, while they were engaged in checking of overloaded trucks with sand carrying out of illegal mining.

Learned counsel appearing on behalf of the petitioner submitted that petitioner neither owner nor driver of the tractor which alleged to be over-loaded with sand. It is pointed out that name of the petitioner surfaced on the basis of suspicion and secret input without having any connecting evidence as nothing surfaced incriminating till now, against this petitioner, during course of investigation. It is further submitted that similarly situated co-accused persons, namely, Manish Yadav @ Rajiv Kumar @ Rajiv Kumar Ranjan and Avinash Kumar @ Avinash Yadav @ Sashi have already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 61570 of 2021 dated 11.01.2022. While concluding the argument, it is submitted that the petitioner is a man of clean antecedent and moreover, the allegation against this petitioner is appearing very much general and omnibus.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances of the case, as the allegation against the petitioner is appearing



very much general and omnibus, where, implication is based upon suspicion, accordingly, above-named petitioner, in the event of his arrest or surrender within a period of four weeks, from the date of order, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate – 1st Class, Gaya /concerned Court, where the case is pending in connection with Konch P.S. Case No. 186 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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