

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71243 of 2022**

Arising Out of PS. Case No.-352 Year-2021 Thana- WARISLIGANJ District- Nawada

BINOD YADAV Son of Tulsi Yadav Resident of Village- Hemda, P.S.-
Warsaliganj, District- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar, through Mines Inspector, Nawada Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Syed. Rizwanul Haque, Advocate
For the Opposite Party/s :	Mr.Navin Kumar Pandey, APP
For Mines Department :	Mr.Naresh Dixit, Advocate
	Mr.Brij Bhusan Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-04-2023 Heard learned counsel appearing on behalf of the petitioner, learned Additional Public Prosecutor appearing on behalf of the State and learned counsel appearing on behalf of the Mines Department.

The accused/petitioner is named in F.I.R and apprehending his arrest in connection with Warsaliganj P. S. Case No. 352 of 2021 registered for the offences punishable under Sections 379, 411 of the Indian Penal Code, Section 21 MM(DR) Act and Section 15 of the Environment Protection Act.



The allegation against the petitioner is to involve in illegal selling of sand out of illegal mining, along with other co-accused persons, where during the course of raid 20,000 CFT. sand was alleged to be found upon the land of one Nandlal.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehended on the spot and his name appears on the basis of disclosure of apprehended co-accused, namely, Ankit Kumar. It is further submitted that offence alleged under Mining Act is bailable in nature and just to make the allegation non-bailable Section 379 of the Indian Penal Code, imported without having any occasion. It is further submitted that petitioner is a man of clean antecedent.

Learned APP duly assisted with learned counsel for the Mines Department opposes the prayer of bail.

Considering the aforesaid facts and circumstances, as name of the petitioner surfaced on the basis of disclosure without having any incriminating recovery, accordingly above named petitioner, in the event of his arrest or surrender before learned Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate,



Nawada/concerned Court, in connection with Warsaliganj P. S.
Case No. 352 of 2021, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C. with following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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