

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5661 of 2023

Arising Out of PS. Case No.-107 Year-2022 Thana- KHUDAGANJ District- Nalanda

1. PINTUSH KUMAR S/O MUNNI LAL PRASAD Resident of village-Baluakhanda, Khushahalpur, P.S.- Khijarsarai, (O.P.- Sarbahada), District-Gaya.
2. ASHOK KUMAR S/O MUNNI LAL PRASAD Resident of village-Baluakhanda, Khushahalpur, P.S.- Khijarsarai, (O.P.- Sarbahada), District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. SATYENDRA PRASAD SINGH S/O RAMPATI SINGH Mining Transportation office Nalanda mobile No.- 9113396765, Village-Hariharpur, P.S.- Nokha, District- Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Kumar, Adv.
For the Opposite Party/s : Mr.Shyameshwar Dayal, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 26-06-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

Nobody appears on behalf of the Mines Department, though the Vakaltnama has been filed on behalf of counsel for the Mines Department.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 379 of the Indian Penal Code and Act 21 MM(D & R) Act, 1957 & Rule 56 of Bihar Minerals (Concession Prevention of Illegal Mining Transportation and Stores Amendment) Rules 2021 & Section



15 the Environment (Protection) Act, 1986.

Allegedly, petitioners along with other accused persons are said to have indulged in illegal mining of sand.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The petitioners are farmers and they have no concern with the recovered sand. They have been made accused in this case merely on suspicion. The recovered sand and its stores do not belong to these petitioners. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, 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 six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in



connection with Khudaganj P.S. Case No. 107 of 2022, subject
to the condition as laid down under Section 438 (2) of the
Cr.P.C.

(Anjani Kumar Sharan, J)

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