

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3989 of 2023

Arising Out of PS. Case No.-286 Year-2021 Thana- BUXAR MUFFSIL District- Buxar

Guddu Rai @ Subash Rai Son Of Jaldhari Rai R/O Village- Kamarpur,
(KRITPURA), P.S.- Buxar Muffasil, District- Buxar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak
For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-05-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code and Section 39(3) of the Bihar Mines Minerals and Concession Rule 2019.

As per the prosecution case, the informant along with police personnel has raided on B.H. brick kilns and seized 4000c.ft. white sand without any valid document. It is alleged that the petitioner is the owner of the said brick kiln.

Learned counsel for the petitioner submits that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that petitioner has no concern with the said B.H. Brick kiln actually Rohit Rai is the owner of the said kiln. He



submits that the petitioner is not the owner of the said brick kiln this fact is clear from the Letter of District Mining Officer, Buxar, whereby he has certified the name of the owners of the brick kilns in which petitioner is not named as owner, a copy of the said letter is enclosed as Annexure-2 of the bail application. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposes prayer for anticipatory bail.

Considering the facts and circumstances of the case and the fact that the brick kiln does not belong to the petitioner, let the above named petitioner, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Buxar (Mufassil) P.S. Case No. 286 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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