

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4722 of 2024

Arising Out of PS. Case No.-598 Year-2023 Thana- KOILWAR District- Bhojpur

Nasib Ray Son of Tipen Ray R/o vill - Suraundha colony, P.S. - Koilwar,
Distt. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Rakesh Prabhat, Advocate
For the State	:	Mr. Murli Dhar, APP
For Mining Department	:	Mr. Naresh Dikshit, Advocate
		Ms Kalpana, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 28-06-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 379, 411 and 34 of the Indian Penal Code, Section 21 of the MMDR Act, 1957, and Sections 11, 56(1) and 56(2) of the BM (CPIMTS) Amendment Rules, 2021.

3. As per prosecution case, this petitioner is alleged to be indulged in illegal mining, transportation and stocking of sand.

4. It is submitted by learned counsel appearing on behalf of the petitioner that the petitioner has been falsely implicated in this case only on suspicion. Petitioner is neither driver nor owner of the poclain machine in question. It is further



submitted that similarly situated co-accused person has already been granted anticipatory bail vide order dated 17.02.2024 passed in Cr. Misc. No. 5465 of 2024. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State and learned counsel for the Mining Department have vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the rival submissions, claim based on parity and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Ara, in connection with Koilwar P.S. Case No.598 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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