

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9052 of 2024

Arising Out of PS. Case No.-710 Year-2023 Thana- BELAGANJ District- Gaya

Horil Yadav @ Ramkripal Kumar S/O Anil Yadav R/O Village- Dalelchak,
P.S- Belaganj, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary-Cum-Principal Secretary, Mines And Geology, Bihar, Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Priya Ranjan, Adv.
For the State	:	Ms.Rina Sinha, APP
For the Mines Dept.	:	Mr. Kumar Harsh Vardhan, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Belaganj P.S. Case No. 710 of 2023 instituted for the offences under Section 379, 411 of the Indian Penal Code and Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 and Rule 56 of the Bihar Mineral Rules, 2021.

3. As per prosecution case, the Informant along with the Mine Inspector raided different places within Belaganj in respect of hoarding sand illegally at different places. In course of such raid, the raiding team found the evidence of hoarding and sell of 1,84,700 Cubic feet sand illegally in village Simra



causing loss to the tune of Rs. 1,96,24,375/- to the revenue of State Government and they came to know from the local people that the petitioner and other accused name in the F.I.R. are involved in transporting the sand illegally from Falgu river and selling illegally.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submitted that the petitioner was not apprehended from the spot nor any vehicle or any incriminating article was recovered from the place of occurrence. The name of the petitioner has surfaced in this case on the basis of the disclosures made by the local people and except that, there is nothing against the petitioner. He further submits that no offence under Sections 379 and 411 of the I.P.C. is made out against the petitioner and the offence under the Mines and Mineral Act is being made out as no ingredients is being fulfilled against the petitioner. He again points out that there is no independent witness to support the prosecution case till date. The petitioner has three criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 16.11.2023.

5. Learned A.P.P. for the State has vehemently



opposed the prayer for grant of bail to the petitioner.

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail after framing of charge, if not already framed, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Belaganj P.S. Case No. 710 of 2023.

(Rudra Prakash Mishra, J)

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