

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11340 of 2024

Arising Out of PS. Case No.-243 Year-2023 Thana- MAHKAR District- Gaya

Manoj Ram @ Manoj Rai son of Dudheshwar Rai Village- Shahbazpur Po-
Takiya Karpi Ps- Mahkar Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Department of Mines and Geology, Govt. of Bihar, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Kishore

For the Opposite Party/s : Mr. Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-02-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Mahkar P.S. Case No. 243 of 2023 registered for the offences punishable under Sections 379, 411, 353, 352, 186, 324/34 of the Indian Penal Code and Section 21 of the Mines and Minerals (Development & Regulation) Act, 1957, Section 21 of the Bihar Minerals (Concessions, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019 and Amendment Rule, 2021.

3. As per prosecution case, illegal sand was recovered from Eicher tractor and Mahendra Bhumipurtra tractor in question .



4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner is not named in the FIR and his name has surfaced in the present case during course of investigation as the owner of the Mahindra Bhumiputra Tractor in question. It is further submitted that the petitioner has already deposited Rs. 32,460/- as penalty in the present case and in support of the said deposit he has submitted letter no. 3210 dated 16.11.2023 issued by the Minerals Development Officer, Gaya which is annexed in Annexure 3 of the bail petition. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like



amount each to the satisfaction of learned A.C.J.M. 1st, Gaya in connection with Mahkar P.S. Case No. 243 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. This application stands allowed.

(Alok Kumar Pandey, J)

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