

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18047 of 2024

Arising Out of PS. Case No.-43 Year-2023 Thana- SANOKHAR District- Bhagalpur

Piyush Paswan @ Piyush Kumar Paswan Son of Late Pradip Paswan Resident
of Village - Dobhi, Police Station - Amdanda, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Diwakar Yadav, Advocate
For the Opposite Party/s	:	Mr.Md. Nazir Ansari, APP
For Mines	:	Mr. Naresh Dikshit, Advocate
	:	Mr. Brij Bihari Tiwary, A.C. to S.P.P. Mines

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard Mr.Diwakar Yadav, learned counsel for the
petitioner, Mr. Naresh Dikshit, learned counsel appearing for
the Mines Department and Mr.Md. Nazir Ansari, APP learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Sanokhar (Amdanda) P.S. Case No.43 of 2023,
FIR dated 18.02.2023, registered for the offences punishable
under Section 379 of the Indian Penal Code and Sections 11, 39
and 56 of B.M.M.C. Rules, 2019.

3. The brief facts of the case are that on 17.02.2023
upon secret information informant conducted raid in Geruma
River near Dobhi village and found that illegal sand was mined
from different places. The penalty amount of illegal mining of



sand is Rupees 45625/-, Rs 158125/-, Rs 184375/-, Rs 317500/- Rs 163750/-respectively. The villagers disclosed the name of accused persons as Kundan Kumar, Raman Kumar, Nitish Kumar, Piyush Paswan, Lalit Kumar, Indal Yadav, Dayanand Yadav, Nago Yadav and Sunil Yadav who are involved in illegal mining of sand. Hence, the instant FIR has been registered.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of disclosure made by the local villagers. Further submits that there is no specific allegation in the FIR and the similarly situated co-accused person, namely, Lalit Kumar @ Lalit Kumar Singh @Lalit Kumar Singh has been granted privilege of anticipatory bail by this Court vide order dated 29.11.2023 passed in Cr. Misc. No.75629 of 2023.

5. Learned counsel for the Mines Department and learned A.P.P. for the State, on other other hand, have vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, the name of the petitioner has been transpired on the basis of the disclosure made by the local villagers and similarly



situated co-accused person, namely, Lalit Kumar @ Lalit Kumar Singh @Lalit Kumar Singh has been granted privilege of anticipatory bail by this Court, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released 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 Chief Judicial Magistrate, Bhagalpur in connection with Sanokhar (Amdanda) P.S. Case No.43 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at



any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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