

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21985 of 2024

Arising Out of PS. Case No.-499 Year-2023 Thana- BARUN District- Aurangabad

Binod Kumar Singh @ Binod Singh @ Binod Kumar, Male, aged about 48 years, S/o Heeralal Singh, R/o Village Navner, PS Obra District - Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

2. The Department of Mining, Government of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lalbahadur Singh, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

3 31-07-2024 Heard Mr. Lalbahadur Singh, learned counsel

appearing on behalf of the petitioner and Mr. Uday Chand

Prasad, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Barun P.S. Case No. 499 of 2023 registered for the offence(s) punishable under Sections 379/411/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioner is the one, who had facilitated in illegal mining of sand.

4. Learned counsel appearing on behalf of the petitioner submitted that on bare perusal of the FIR, no case is made out against the petitioner. Petitioner has been made accused in the present case only for the reason that three cases are pending against him. It is admitted that the petitioner is not



owner of the alleged tractor in which the illegal sand was loaded. The *Chowkidar* due to enmity had roped the petitioner in the present case. On these grounds, petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, the information contained in the FIR which shows that petitioner is the liner and he is not the owner of the said tractor, I find that no case is made out against the petitioner. However, considering the fact that the petitioner is involved in three criminal cases, out of which one is of similar nature, the petitioner may surrender before the learned District Court and seek regular bail. In that case, the learned District Court is directed to consider the bail application of the petitioner on the same day and pass necessary order on the basis of material which has come in course of investigation without delay.

7. The present petition bail application stands disposed of.

(Purnendu Singh, J)

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