

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29267 of 2024

Arising Out of PS. Case No.-25 Year-2023 Thana- ISHUPUR BARAHAT District- Bhagalpur

1. Abhay Kumar Verma Son of Jahuri Verma Mathurapur Police Station- Shiv Narayanpur, District- Bhagalpur
2. Umesh Kumar Yadav Son of Amr Nath Yadav Resident of Village- Foujdari, Police Station- Pirpanti, District- Bhagalpur
3. Sandeep Kumar Son of Bhola Prasad Varnwal Resident of Village- Gandhi Nagar, Mirza Chauki, Police Station- Mirja Chauki, District- Sahabganj (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shishupal Kumar (Mines Insector, Bhagalpur), District Mines Office, Bhagalpur Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dr. Manoj Kumar, Advocate
For the Opposite Party/s	:	Mr. Naresh, APP
		Mr. Brij Bihari Tiwari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Ishipur (Barahat) P.S. Case No. 25 of 2023 dated 03.02.2023,
instituted for the offence punishable under Sections 378, 379,
411, 420 of the Indian Penal Code and Section 39(1) (2) (3) (4),
43, 56 of the B.M.M.C. Rule (2019 Amendment Act, 2021).

3. The prosecution case, in short, informant who is a
Mines Inspector, along with other police personnel conducted



raid in Mauja Kushalpur and its surrounding areas. During raid, it was observed that there were several stone crushers and business of illegal stone was being done without the permission of the District Mining officer, Bhagalpur.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that only on the basis of suspicion, the petitioners have been made accused in this case. It is also submitted that alleged stone has been seized in absence of the petitioners by the officials of the mining department. It is further submitted that when petitioners came to know that their names have come in this case then they have deposited the fine by E.Challan on 17.02.2023 and the Mining Development Officer, Bhagalpur has issued letter No. 383 dated 17.02.2023 to S.H.O. Ishipur Barahat, Bhagalpur stating therein that petitioners and others have already deposited the fine (Annexure-3). Lastly, it has been submitted that the petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in



the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Ishipur (Barahat) P.S. Case No. 25 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Bhagalpur, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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