

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29822 of 2024

Arising Out of PS. Case No.-630 Year-2023 Thana- RAJGIR District- Nalanda

Shambhu Kumar Son Of Sarjug Prasad Resident Of Arya Samaj Mandir
Road, Near Nichali Bazar, P.S. - Rajgir, District - Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Thakur, Advocate
	Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s :	Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-06-2024 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and Mr. Md. Fahimuddin, learned APP for the
State.

2. The petitioner in this case is seeking pre-arrest bail in connection with Rajgir P.S. Case No. 630 of 2023 registered for the offences punishable under Sections 379, 411 of the Indian Penal Code. He has got three criminal antecedents and in all the cases he is said to be on the bail. It is stated that the cases at serial nos. (ii) Rajgir P.S. Case No. 12 of 2023 and (iii) Rajgir P.S. Case No. 594 of 2022 were lodged by his own brother.

3. As per the prosecution story, the informant alleged that on 29.12.2023 at about 12:50 P.M., he along with his team went to conduct raid at the place of occurrence where sand was found stored at two places, firstly, near the house of this



petitioner and secondly, towards western side of the house of one Arun Vishwakarma. From the first place, 3000 CFT yellow sand was found and from the second place, 2000 CFT yellow sand was found. The local people disclosed that the sand was stored at both the places by this petitioner.

4. Learned counsel for the petitioner submits that the yellow sand which were found on the land belong to the petitioner which he had stored for purpose of carrying on construction, however, the learned APP for the State submits that huge quantity of sand of about 3000 CFT at one place and 2000 CFT at another place were seized by police and those were found to have been stolen without there being any license/e-challan.

5. Having regard to the submissions noted hereinabove, taking note of the kind of allegation which is not of an ordinary theft but theft of a public property and it is yellow sand which has been held to be the national property and is being stolen away as alleged and the same is sold in the market for unlawful gain, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

6. His prayer is refused.

7. In case, the petitioner surrenders and prays for



regular bail in the learned court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudice by the order of this Court.

8. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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