

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32372 of 2024

Arising Out of PS. Case No.-1208 Year-2023 Thana- BIHTA District- Patna

Vikash Kumar @ Vikash Yadav Son of Indradev Yadav @ Indradeo Singh
Resident of Village- Bindaul, Pandeychak, P.S- Bihta, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Mining Officer , Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP
For the Mines	:	Mr. Naresh Dikshit, Advocate
		Mr. Brij Bihari Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

4 09-08-2024 The amount of Rs. 44,170/- has been deposited by the

petitioner to the Mines and Geology Department, District

Mining Office, Patna.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner apprehends his arrest in connection
with Bihta P.S. Case No. 1208 of 2023 instituted under Sections
379, 411, 120(B), 147, 148, 149, 341, 353, 307, 114, 201, 224
and 225 of the Indian Penal Code.

4. As per the prosecution case, on getting information
of illegal mining of sand at Sone River, informant/ Inspector
along with police party reached at the bank of Sone River.



Before reaching the raiding party, the accused persons fled away unloading the sand with their tractor. It is alleged that on the tip off *Chaukidar*, the raiding party reached at the house of accused Vikash Kumar and found 12 tractors out of which six tractors were loaded with sand. Thereafter, seizure list of six tractors was prepared by the raiding party but accused persons requested them to not seize the tractor and when the raiding party did not stop accused Vikash Kumar along with Luv Kush Kumar and other F.I.R. named accused persons tried to stop them. The accused persons succeeded to flee away with the help of other unknown persons of the village and they also tried to kill the raiding party.

5. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He further submits that nothing has been recovered from the possession or the house of the petitioner. Learned counsel submits that the petitioner has been implicated in this case by *Chowkidar* due to dirty village politics. There is no injury to any raiding party. He also submits that other accused persons have already been granted anticipatory bail by this Court vide order dated 22.05.2024 passed in Cr. Misc. Nos. 31277 of 2024, 31691 of 2024 and 31799 of 2024, respectively. He further



submits that petitioner has one criminal antecedent and he undertakes to co-operate in the investigation and the trial.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

7. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount to each to the satisfaction of the learned A.C.J.M.-1, Danapur, Patna / Concerned Trial Court in connection with Bihta P.S. Case No. 1208 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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