

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34594 of 2024

Arising Out of PS. Case No.-780 Year-2023 Thana- BELAGANJ District- Gaya

Dhirendra Yadav @ Dhirendra Prasad Yadav, Son of Suresh Yadav, Resident
of Village- Prem Bigha, P.S- Belaganj , Dist- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Adv.

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-05-2024 Heard Mr. Priya Ranjan, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Belaganj P.S. Case No. 780 of 2023 registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code, Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 and Section 56 of the Bihar Minerals Rule, 2021.

3. In course of patrolling duty, on secret information a raid was conducted. In course of raid, the informant found 3100 cubic feet illegal sand near bus shed and 2100 cubic feet illegal sand beside the road. On inquiry, some passers by and villagers disclosed the name of the petitioner and one another in storing the illegal sand causing loss of Rs. 5,78,800/- to the government.



4. Learned counsel for the petitioner submitted that save and accept the disclosure made by the villagers, there is no material suggesting complicity of the petitioner in storing the illegal sand. Moreover, the petitioner is neither the owner of the said land from where the recovery was made nor the petitioner has any concern with the illegal sand. It is further submitted that only on account of past criminal antecedent of identical nature, the particulars of which has been mentioned in para-3 to the bail application, the name of the petitioner has been implicated in this case. Referring to para-9 of the bail application, learned counsel for the petitioner, submitted that the petitioner has also instituted a complaint case against the Officer-in-Charge of Belaganj P.S., bearing Complaint Case No. 1437 of 2022 and for the said reason the police has been keeping grudge against the petitioner. The present case is also an offshoot of the personal grudge. It is lastly submitted that be that as it may, the petitioner is ready to cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the petitioner bears three criminal antecedent.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that the alleged recovery has been made from a place which does not belong to the petitioner and there is no other material, save and except the disclosure made by the villagers, the name of which has also not been disclosed, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya in connection with Belaganj P.S. Case No. 780 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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