

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46576 of 2024

Arising Out of PS. Case No.-1278 Year-2023 Thana- SHERGHATI District- Gaya

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Bikki Sharma @ Vivek Kumar S/O Suresh Sharma R/O Village Baghar
Shirghati, Distt-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vardaan Mangalam

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

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. Petitioner is apprehending his arrest in connection with
Sherghati P.S. Case No.1278 of 2023, registered for the offence
punishable u/s 379, 411 of the IPC and 21 MM (D & R) Act,
1957 and BM (CPIMTS) Amendment Rule-56, 2019.

3. Allegation against the petitioner is that he along with
other co-accused were involved illegal mining and
transportation of sand without having a valid license, which has
incurred a revenue loss of Rs.16,86,400/- to the Government.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence.
He has been falsely implicated in this case due to ulterior
motive. No such occurrence in the manner as alleged has ever



taken place. No incriminating article has been recovered from the conscious physical possession of the petitioner. It is submitted that petitioner is not involved in the illegal mining and only on the basis of disclosure of his name by the villagers, he has been made accused in this case. There is no documentary evidence to suggest that the petitioner is involved in illegal mining or transportation. Petitioner has three criminal antecedents out of which two are for similar nature of offence.

5. Learned APP for the State opposed the prayer for bail by submitting that there is allegation against the petitioner and the Government has suffered huge revenue loss.

6. Considering the aforesaid facts and circumstances and the nature of allegation, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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