

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41889 of 2022

Arising Out of PS. Case No.-27 Year-2022 Thana- MAGADH UNIVERSITY District- Gaya

Mahendra Prasad Son of Uday Narayan Prasad Resident of Village-
Jagarnathpur, P.S- Tekari, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar and Ors.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 13-02-2024 Learned counsel for the petitioners are permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Magadh University P.S Case No. 27 of 2022 dated 11.02.2022 registered for the offence punishable u/s 379, 411 of the Indian Penal Code.

4. As per the prosecution case, On 10.02.2022 at about 10.25 A.M. *Khajwati sand Ghat* of *Falgu River* was jointly inspected by Mines Inspector and local police force and found 78,678 cubic feet sand mined on two different places



causing loss of revenue of Rs. 41,89,604/-.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioner is a contractor of *Khajbati Sand Ghat* and an agreement between the mining department has been made to excavate the sand and he committed theft of sand. No stolen sand has been recovered from his conscious possession. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Gaya in connection with Magadh University P.S Case No. 27 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure with the following condition:-

“The petitioner is directed to remain physically present before the



learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.”

8. This application stands allowed.

(Chandra Prakash Singh, J)

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