

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45233 of 2024

Arising Out of PS. Case No.-301 Year-2022 Thana- BARUN District- Aurangabad

Abhishek Kumar @ Vikash Kumar Son of Vijay Kumar Singh R/o vill.-
Padriya, P.S.- Barun, Dist.- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The mines commissioner cum Principal Secretary Govt. of Bihar, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Lalan Kumar
For the Opposite Party/s	:	Mr. Shailendra Kumar
For the Mines Deptt.	:	Mr. Naresh Dikshit

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-08-2024 Heard the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 379, 411 of the Indian Penal Code and 15 of Environment Protection Act, 1986 and Section 56 (1) of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage), Amendment Rules, 2021.

3. As per the FIR, a raid was conducted by the informant along with other police personnel against illegal mining, storage and transportation of sand at different places and found illegal storage of sand at different places placed by different persons including the petitioner. 1800.00 CFT sand was illegally stored



by the petitioner at Patna Canal causing loss of Rs.1,21,750/- to the State.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. He further submitted that the plot of petitioner as well as of his family members are adjacent to Patna Canal, the mining traders stores the illegally mined sand at the aforesaid plot not only destroy the crops and for that reason petitioner's family intimated to S.P. Aurangabad and DIG, Gaya that illegal mining is going on behest of illegal traders and their plot is being misutilized hence necessary action may please be taken and when they reported the same to the police, the police instead of lodging the FIR and taking action they were subjected to exercise of power. He further submitted that similarly situated co-accused person has been granted bail by a co-ordinate Bench of this Court vide order dated 24.03.2023 passed in Cr. Misc. No.66977 of 2022. Petitioner has five criminal antecedent.

5. Learned APP for the State as well as learned counsel for the Mines Department opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case,



since similarly situated co-accused has been granted anticipatory bail by a co-ordinate Bench of this Court, let the above named petitioner, be released on bail, in the event of his/her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Barun P.S. Case No.301 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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