

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61012 of 2024

Arising Out of PS. Case No.-304 Year-2022 Thana- BELAGANJ District- Gaya

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1. Avinash Singh @ Avinish Singh @ Avanish Kumar Son of Rajendra Singh Village- Baraini, P.S.- Belaganj, District- Gaya
 2. Sanjiv Kumar @ Pappu Singh Son of Shailendra Singh Village- Baraini, P.S.- Belaganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 04-10-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Belaganj P.S. Case No. 304 of 2022 dated 22.06.2022 registered for the offence/s punishable u/s 379 of the Indian Penal Code, section 21 of M.M. (D & R) Act, section 56 of BM (CPIMTS) Act and section 15 of the Environment Protection Act.

3. As per the prosecution case, the petitioners and the co-accused persons are alleged to have stolen and stored the sand illegally causing loss of the government exchequer.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been



implicated in this case. Nothing has been recovered from the conscious possession of the petitioners. Similarly situated co-accused has already been granted anticipatory bail by this court *vide* order dated 30.10.2023 passed in Cr. Misc. No. 38339 of 2023. The petitioners have no criminal antecedent as stated at para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioners.

6. 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 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 Belaganj P.S. Case No. 304 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure, with further condition/s:-

(i) The petitioners are 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 bail bonds of the petitioners are liable to be cancelled.

(ii) If the petitioners are found involved in similar



nature of offence in future, the prosecution will be at liberty to
move for cancellation of their bail bond.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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