

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73666 of 2024

Arising Out of PS. Case No.-22 Year-2023 Thana- SHYAMPUR BHATHAN District-
Sheohar

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Rahul Kumar Son of Achhelal Prasad Resident of Village - Madhuahabrit,
P.S. - Rajepura, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Jha, Adv.
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-10-2024 Heard Mr. Dinesh Jha, learned counsel for the

petitioner and Mr. Dilip Kumar No. 1, learned A.P.P. for the

State.

2. The petitioner apprehends his arrest in Shyampur
Bhataha P.S. Case No. 22 of 2023 registered for the offences
punishable under Sections 379, 411 of the Indian Penal Code,
Section 56(2) of the Mines Act and Section 15 of Environment
Protection Act, 1986.

3. As per the prosecution case, it is alleged that on
account of illegal mining the petitioner along with other co-
accused persons caused loss of revenue to the State of
Rs.15,48,511/-.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the petitioner has got no role as well as no relation with the alleged crime and so called recovered sand rather his driver was running his JCB without information of the petitioner. The petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. From perusal of the impugned order, it appears that the petitioner was earlier arrested by police and produced before learned Magistrate for his remand to judicial custody but he was allowed to be released by the Court on furnishing personal bond of Rs.7,000/- and directed him to seek regular bail within 15 days of the said order, but the petitioner has not complied the order dated 02.04.2023 and he again filed anticipatory bail application which was dismissed by the learned Sessions Judge.

7. Considering the facts and circumstances of case and the fact that the petitioner has not complied with the order of the learned Magistrate dated 02.04.2023, I am not inclined to



enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

8. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

anand/-

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