

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67615 of 2024

Arising Out of PS. Case No.-59 Year-2023 Thana- BIND District- Nalanda

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Avinash Kumar Singh Son of Late Mawal Mahto Resident of Vilalge-
Nauranga, P.S.- Bind, Distt.- Naland

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad , Sr. Advocate Mr. Ritesh Kumar , Advocate Miss. Srishti , Advocate
For the Opposite Party/s :		Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-09-2024 Heard learned counsel for the petitioner and the

State .

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 379 and 411/34 of the I . P
. C .

3 . Allegation against the petitioner is that he along
with other co-accused persons used to excavate and transport
the illegal sand and soil by hired Hywa trucks using Poclain and
JCB from Jarain river situated at village Nourang, One Hywa
truck bearing Registration No. NL02N 8687, loaded with illegal
sand and motorcycle bearing Registration No. BR 01CD 1222
were recovered from the place of occurrence and accordingly
seizure has been prepared. Petitioner has caused, loss of Rs.



14,81000/- of Government revenue by illegal mining of the sand and soil.

4. It is submitted on behalf of the petitioner that the petitioner is innocent, has committed no offence and he has falsely been implicated in this case only on the basis of confessional statement of co-accused Sanjay Kumar who was apprehended on the spot. There is no independent witness in the seizure list. Petitioner is neither owner nor driver of the seized vehicles. Name of the petitioner cropped up on the identification of local people. Petitioner claims clean antecedent.

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

6. Considering the aforesaid facts, clean antecedent of petitioner and circumstances of the case, in the event of arrest or surrender within eight weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate Nalanda at Bihar Sharif in connection with Bind P.S. case No. 59 of 2023 , subject to the conditions laid down under section



438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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