

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65576 of 2024

Arising Out of PS. Case No.-559 Year-2023 Thana- BELAGANJ District- Gaya

Sanjeev Kumar @ Sanjiv Kumar, S/O Shyam Nandan Singh, R/O Village-
Siripur, P.S- Belaganj, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bhanu Pratap Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner seeks bail in connection with Belaganj P.S. Case No. 559 of 2023, registered for the alleged offence under Sections 379, 411 of the Indian Penal Code, Section 21 of MM (D & R) Act, 1957 and Rule 56 of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Amendment Rules, 2021.

03. As per prosecution case, the petitioner and other co-accused persons were found committing theft of sand by illegally mining it from the banks of river *Falgu*. In this manner, they excavated about 22,000 cubic feet of sand and stored it at certain identified place and thus, caused revenue loss of Rs.



39,40,500/- to the Bihar Government.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on saying of the village *chowkidar* and except for the statement of *chowkidar*, no material has come up against this petitioner during investigation. There is no eye witness and the petitioner has no concern with the places from where the illegally mined sand was recovered. A number of persons have been made accused in this case along with the petitioner with vague allegation. Learned counsel further submits that under the provisions of Rule 61 of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Amendment Rules, 2021, an official written complaint needs to be filed and investigation on the basis of FIR is beyond jurisdiction. Learned counsel further submits that sand mining has been auctioned at different places and the Government gets royalty from it and there is no occasion for causing revenue loss to the Government. Learned counsel further submits that the petitioner is in custody since 12.07.2024 and several other co-accused persons have already been granted anticipatory bail. Learned counsel further submits that the petitioner has been made accused in this case as he was having criminal antecedents of eight cases, but he is on bail in seven cases out of eight cases.



05. Learned A.P.P. opposes the submission made on behalf of the petitioner. Learned APP submits that the name of the petitioner transpired during investigation and by the act of the petitioner and co-accused, huge loss of revenue was caused to the Government.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the completely vague nature of allegation without any substantive material and further considering the period of custody of the petitioner, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Belaganj P.S. Case No. 559 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be



cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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