

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68427 of 2023

Arising Out of PS. Case No.-385 Year-2022 Thana- GAURICHAK District- Patna

NITISH KUMAR S/O RAMBACHAN PRASAD YADAV R/O HOUSE NO.
147/266, ROAD NO. N.H.98, HANUMAN MANDIR, NEW PAHARPUR,
KHOJI IMALI, PHULWARI, P.S.-PHUWARISHARIF, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Nawal Kishore Singh, Adv
For the Opposite Party/s :	Mr. Dilip Kumar No.1, APP
For the Mines Department:	Mr. Naresh Dikshit, Adv

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 29-01-2024 Heard Mr. Nawal Kishore Singh, learned counsel for the petitioner, Mr. Dilip Kumar No.1, learned APP for the State as well as Mr. Naresh Dikshit, learned counsel for the Mines Department.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 379, 420 and 353 of the Indian Penal Code, Section 56 of Bihar Minerals Rules 2019, Section 15 of the EPA Act and Section 21 of the MMDR Act.

3. The allegation against the petitioner is that he is involved in illegal mining of sand along with other co-accused persons, where hyva of the petitioner was seized on the spot.



4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He further submits that similarly situated co-accused has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 04.05.2023 passed in Cr. Misc. No.509 of 2023. Petitioner has one criminal antecedent, which is also mentioned in para-3 of the bail application.

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 as similarly situated co-accused has been granted bail, 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 Gaurichak P.S. Case No.385 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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