

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71182 of 2024

Arising Out of PS. Case No.-599 Year-2022 Thana- SHERGHATI District- Gaya

Jugesh Manjhi @ Jugesh Mandal S/O Batu Manjhi R/O Village- Dadpur, P.S-
Dobhi, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amitabh S/o Suryamohan Prasad R/O Village- Thakurbari Road, P.S-
Kishanganj, Distt.- Kishanganj, At present working as a mining inspector,
District Mines Office, Gaya, Distt.- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vijay Kumar
For the State	:	Mr.Ram Priya Sharan Singh
For Opposite Party No. 2 :		Mr. Naresh Dixit
		Ms. Kalpana

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 11-11-2024 1. Heard learned Counsel for the petitioner, learned
Additional Public Prosecutor for the State and learned
Counsel for the Opposite Party No. 2.
2. This application, for grant of anticipatory bail, arises out
of Sherghati (Dobhi) Police Station Case No. 599 of
2022, dated 14.07.2022, disclosing offences punishable
under Sections 379/411/34 of the Indian Penal Code,
Section 41/42 of the M.M. (D and R) and B.M.L.
(C.R.M.T.S.) Act, 1956 and Section 15 of the
Environment Protection Act, 1986.
3. The prosecution case, as per the First Information Report,



is that the police raided the place of occurrence, where illegal mining of sand was in progress and on seeing the police, the persons engaged in the illegal mining of the sand fled away. The police recovered several tractor having illegally extracted sand over it and from the satellite co-ordinate, it was found that about 22500 CFT sand was already extracted from that place, due to which the Government has incurred revenue loss of Rs. 13, 01,320/-.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case merely because he is the owner of one of the motorcycle which was found parked near the place of occurrence. He further submits that the petitioner has got no concern with the alleged extracted illegal sand and/or tractors found there.
5. On the other hand, learned Counsel for the Opposite Party No. 2 and the State vehemently oppose the prayer for anticipatory bail and submit that the petitioner is the active member of the gang, involved in the illegal extraction of sand and his motorcycle was seized along with the tractors and due to the act of the petitioner and



others, the Government incurred huge loss of revenue, to the tune of Rs. 13,01,320/- inasmuch as more than 22500 CFT of sand was illegally extracted from the place of occurrence.

6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that huge quantity of illegally extracted sand has been seized along with the tractors and the petitioner is said to be the liner whose motorcycle has also been seized from the spot and the fact that organized gangs are involved in illegal mining of sand, I am not inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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