

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71549 of 2024**

Arising Out of PS. Case No.-304 Year-2022 Thana- BELAGANJ District- Gaya

Sudhir Kumar @ Sudhir Yadav (Male), aged about 39 years, S/O Yamuna Yadav, R/O Village- Dariyapur, P.S- Belaganj, Distt.- Gaya.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Mines and Geology Department, Government of Bihar, Patna through its Additional Chief Secretary Bihar, Patna.

... .. Opposite Parties

**Appearance :**

|                    |   |                                                                                                |
|--------------------|---|------------------------------------------------------------------------------------------------|
| For the Petitioner | : | Mr. Shailesh Kumar, Advocate                                                                   |
| For the O.P. No. 2 | : | M/S. Naresh Dikshit, Utsav Anand, J.C. to Mr. Naresh Dikshit and Brij Bihari Tiwary, Advocates |
| For the State      | : | Mr. Jai Narain Thakur, A.P.P.                                                                  |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

2      11-12-2024                      Heard learned counsel for the petitioner, learned counsel for the Mines and Geology and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Belaganj P.S. Case No. 304 of 2022 dated 22.06.2022 registered for the offences punishable under Section 379 of the I.P.C., 1860, Section 21 of the Mines and Minerals Act, 1957, Section 56 of the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2021 and Section 15 of the Environment Protection Act, 1986.

3. As per the prosecution case, the petitioner and the



co-accused persons are alleged to have stolen the sand illegally.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the name of the petitioner has come in the present case only on the basis of disclosure made by the villagers. It is further submitted that the petitioner was not present at the place of occurrence. He has no concern with the alleged offence. It is further submitted that the alleged occurrence took place on 14.06.2022 but the F.I.R. was lodged on 22.06.2022 after much delay of eight days for which no satisfactory explanation has been given by the prosecution. No single eye witness or any independent witness has come forward to support the prosecution case. It is further submitted that the other co-accused person Mantu Kumar @ Mantu Mahto @ Dharamjeet Kumar has already been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 2578 of 2024 under order dated 10.05.2024, annexed as Annexure-P/2 series to the present bail petition. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State and learned counsel for the Mines and Geology have opposed the prayer for anticipatory bail of the petitioner.



6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Gaya in connection with Belaganj P.S. Case No. 304 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

II. If the petitioner is found involved in similar nature of offence in future, his bail bond is liable to be cancelled.

7. The application stands allowed.

**(Chandra Prakash Singh, J)**

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