

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83306 of 2023

Arising Out of PS. Case No.-101 Year-2023 Thana- LODIPUR District- Bhagalpur

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Madan Kumar S/o Naresh Mahto, Resident of Village - Kathara, P.S. -
Amarpur, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Mines Inspector, District Mines Office, Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Ashok Kumar No.6
For Department of Mines:	Mr. Naresh Dikshit, Spl. P.P. Mines
	Mr. Brij Bihari Tiwari
	Mr. Kumar Harshvardhan, AC to Spl. P.P. Mines

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner as well as the

learned counsel for Department of Mines

2. The petitioner apprehends his arrest in connection with

Lodipur P.S. Case No. 101 of 2023, registered for the offences
punishable under Sections 379, 411 of the Indian Penal Code and
Section 56(i), (ii) of Bihar Minor Mineral Concessions Rules 2021.

3. As per allegation, some tractors loaded with illegally
excavated sand, were stopped by the police personnel and 100 cube
feet of sand was found loaded. Four motorcycles, assisting the tractor
drivers, were also seized.

4. The learned counsel for the petitioner has submitted
that one of the motorcycles, mentioned in the FIR, belongs to the



petitioner. The allegation is false and the petitioner is a person of clean antecedent.

5. On the other hand, the learned counsel for Department of Mines submits that the petitioner was assisting tractor drivers as liner. He is a member of organized gang, who was involved in illegally excavation of the sand.

6. Considering the above-mentioned facts and circumstances as well as the clean antecedent, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Bhagalpur in connection with Lodipur P.S. Case No. 101 of 2023, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(i) The criminal antecedent of the petitioner shall be verified and if, the petitioner is found involved in any other case, except the present one, his bail bond shall liable to be cancelled.

(Nawneet Kumar Pandey, J)

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