

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4102 of 2024

Arising Out of PS. Case No.-425 Year-2022 Thana- NATHNAGAR District- Bhagalpur

Pankaj Kumar Yadav Son Of Basudeo Yadav R/O Village- Naya Taola
Mirjapur, P.S.- Madhusudanpur, Dist.- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Department of Mines and Geology, Govt. of Bihar, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bal Krishna Mishra, Advocate
For the Opposite Party/s :	Mr. Parmanand Kumar, Advocate
For Mining Department :	Mr. Naresh Dikshit, Advocate
	Ms. Kalpana, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2024 Heard Mr. Bal Krishna Mishra, learned counsel
appearing on behalf of the petitioner and Ms. Kalpana, learned
counsel for the Mines Department.

2. The petitioner apprehends his arrest in connection
with Nathnagar P.S. Case No. 425 of 2022, registered for the
offences punishable under Sections 379, 411 and 34 of the
Indian Penal Code and Sections 11, 39 and 56 of Bihar Mines
and Mineral Control Rules 2019.

3. It is alleged that on a secret information the Mines
Superintendent conducted raid and on the land of the petitioner
600 CFT sand was found stored in unauthorized manner leading
to institution of the present case.

4. Learned counsel appearing on behalf of the



petitioner submits that in fact the petitioner had purchased 300 CFT of sand for construction of boundary wall on the land, after making proper payment for the same, however, just beside the land of the petitioner there is a land in the name of co-accused Mithilesh Kumar Mishra, where another heap of 300 CFT sand was recovered, but the Mines Superintendent had shown that 600 CFT sands have been recovered from the land of the petitioner. Moreover, the co-accused namely Mithilesh Kumar Mishra against whom there was identical allegation, he has been allowed the privilege of anticipatory bail by learned Co-ordinate Bench of this Court in Criminal Miscellaneous No. 12716 of 2023 vide order dated 23.05.2023, the copy of which has been marked as annexure 2 to the application. He next submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the Mines Department opposed the pre-arrest bail application and submits that the petitioner has failed to produce any valid paper justifying the possession of the sand.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and



the fact that co-accused person having similar allegation has been allowed the privilege of anticipatory bail and the petitioner has valid billty for 300 CFT sand, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Nathnagar (Madhusudanpur) P.S. Case No. 425 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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