

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6420 of 2025

Arising Out of PS. Case No.-227 Year-2021 Thana- BODHGAYA District- Gaya

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1. Karu Prajapati @ Sanjay Kumar @ Karu S/o- Sudhendu Prasad R/o Village Khiriyawa P.S. Magadh Medical District- Gaya
 2. Ajit Singh @ Ajit Kumar Singh S/o- Ramchhabila Singh R/o Village- Dubhal P.S. Magadh Medical District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Satyendra Prasad Singh, Mines Inspector, District Mines office Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh, Adv.

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-02-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Bodh Gaya PS Case No. 227 of 2021 dated 15-07-2021 instituted for the offence punishable under Sections 379 and 411 of the Indian Penal code and Sections, 11,39, 56(1), 56(2) of the M.M. (D & R) Act.

3. As per the prosecution case, on 14-07-2021 informant inspected the Middle School, Surujpura, in connection with illegal storing of sand and during course of checking, got information that petitioner and one Ajit Singh have stored illegal sand and on enquiry, they failed to produce



any valid challan for the stored sand and total 10,000 feet sand was found stored, on account of which, government sustained loss of Rs. 7,82,260. It is further alleged that the role of the principal of the said school was also dubious because he did not give the information of the stored sand to police or Mining Department.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that nothing has been recovered either from the conscious possession of the petitioners or from the house of the petitioners rather the seized sands were recovered from the campus of the Government Middle School, Surujpura. The petitioners have no concern with the said seized sands. The petitioners have been made accused in this case merely on suspicion on the basis of disclosure made by the local people of the vicinity. Learned counsel for the petitioners further submits that no name of the villagers, who took the name of the petitioners, has been mentioned in the F.I.R. Lastly, it has been submitted that one criminal case is pending against the petitioner No.1 whereas, petitioner no.2 has no criminal antecedents.

5. Learned APP has opposed the prayer for



anticipatory bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM Gaya, in Bodh Gaya PS Case No. 227 of 2021, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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