

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5432 of 2025

Arising Out of PS. Case No.-483 Year-2024 Thana- BELAGANJ District- Gaya

Md. Sufian Son of Md. Matlub Mian @ Mohammad Matloob Resident of
Village - Kurisarai, P.S.- Belaganj, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha, Adv
For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-02-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner is named in the F.I.R.

and apprehended his arrest in connection with Belaganj P.S.

Case No. 483 of 2024 registered for the offences punishable

under Sections 303(2), 317(2) of the BNS, Sections 4(1-A),

21 MM (D&R) Act, Section 11 of the BM (CMMTS) Rule 2019

& Section 56 of BM (CMMTS) Rule 2021.

3. The allegation against the petitioner is to

commit theft of sand alongwith other co-accused persons.

Allegation is also *qua* illegal sand mining and keep it at



Kurisari packs bhawan and Kurisari ground.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner made accused in this case, through the complaint of one Zakir Hussain with Mining Department with whom this petitioner was in enmical terms. It is submitted that petitioner is a student of B.A. Part I and is a man of clean antecedent. It is also submitted that despite availability of independent witnesses, Bihar Homeguard Personnels were made witnesses of seizure which also makes doubt *qua* seizure list.

5. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

6. In view of the facts and circumstances and by taking note of the fact as recovery not appears to be made from the physical possession of this petitioner rather from an open place which is easily accessible by general public, accordingly petitioner above named, in the event of his arrest or surrender before the learned trial court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two



sureties of the like amount each to the satisfaction of the learned CJM, Gaya/concerned trial court where the case is pending in connection with Belaganj P.S. Case No. 483 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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