

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76857 of 2024

Arising Out of PS. Case No.-87 Year-2024 Thana- NIRMALI District- Supaul

Narendra Kumar Yadav @ Narendra Yadav @ Khokha Yadav Son of Late Jagdhar Yadav Resident of village - Nirmali Mahuwa , P.S.- Nirmali, District-Supaul

... .. Petitioners

Versus

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

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Ravi Prakash, Advocate
For the State : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 29-01-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Nirmali PS. Case No.87 of 2024 dated 26.05.2024, registered for the offences punishable under Sections 341, 323, 143, 332, 353, 307, 379, 504/34 of the Indian Penal Code and Section 11/43/56/60 of the B.M. (C.P.I.M.T.S.) Amendment Act, 2021 & 4, 21 of the M.M.D.R. Act, 1957.

3. As per allegation, one tractor without any registration number, having engine no. SJ327A88916, chesis no.MEAC8FDDHL2309875 with the sand loaded trailer, was seized. However, the driver of the tractor informed the incidence to the owner of the vehicle, who, along with twenty other



persons came to the place of occurrence and forcibly took the tractor away.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that no seizure of any vehicle or mines was made by the police. He further submits that the case is completely false and no seizure list is annexed with the FIR.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in four other cases and in all the cases he is on bail.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. I considered the submissions advanced by both the parties and perused the material on record. I find that the seizure list does not show any seizure of vehicle loaded with sand. In fact, as per the seizure list annexed with the FIR, the police has seized one mobile. However, I find that unless the vehicle is seized with the mines loaded in it, no case could be made out under Bihar Minor Mineral Rules, 2019.



9. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M, Birpur, Supaul, in connection with Nirmali PS. Case No.87 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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