

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84480 of 2024

Arising Out of PS. Case No.-187 Year-2023 Thana- BELAGANJ District- Gaya

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1. Rajesh Yadav @ Rajesh Kumar @ Rajesh Kumar Yadav Son of Mosafir Yadav R/O Vill.- Dalelchak, P.S.- Belaganj, Dist.- Gaya.
 2. Rakesh Kumar Yadav @ Bhoti @ Rakesh Kumar Son of Mosafir Yadav R/O Vill.- Dalelchak, P.S.- Belaganj, Dist.- Gaya.
 3. Om Prakash Kumar Son of Chhatrabali Yadav R/O Vill.- Dalelchak, P.S.- Belaganj, Dist.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Mines Department, Distt.- Gaya. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Aryan Singh, Adv.
For the Opposite Party/s	:	Mr.Surendra Prasad Singh, APP
For Mines	:	Mr.Naresh Dikshit, Adv.
		Mr.Brij Bihari Tiwary, Adv.

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

ORAL ORDER

9 21-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in Belaganj P.S.
Case No. 187 of 2023 registered under Sections-379, 411 & 413 of
the Indian Penal Code and Section-21 of the M.M. (D & R) Act,
1957 as well as Rule 56 of the B.M. Rule, 2021.

3. Allegedly, illegal storage of 3000 C.F.T. sand was done by
the accused-petitioner and co-accused at Imaliyachak Imanbada,
which caused loss to the government exchequer.

4. It has been submitted on behalf of the petitioner that due to
political rivalry and enmity with Rajan Kumar @ Pappu Mukhiya
and the police, the petitioner has been implicated in the present case
for oblique reasons. It has further been submitted that the seizure
prepared is totally illegal and full of flaws as the first information



was registered after preparation of seizure list. It has also been submitted that on the same day at same police station, Belaganj P.S. Case No. 186 of 2023 was got registered by A.S.I. under almost the same sections against same accused persons. As a matter of fact, the police and other official are in habit of asking bribe by the local excavators for whole transaction. He has also submitted that on exactly similar footing, co-accused Nitish Kumar has been granted anticipatory bail by this Court vide order dated 23.10.2024 in Cr. Misc. No. 69418 of 2024.

5. On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest/surrender before the learned court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Belaganj P.S. Case No. 187 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Nawneet Kumar Pandey, J)

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