

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88518 of 2024

Arising Out of PS. Case No.-747 Year-2023 Thana- TEKARI District- Gaya

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1. Anil Sharma @ Anil Kumar S/o- Late Ramdeni Sharma @ Late Mamdeni Sharma Village- Turi Ps- Mein Dist- Gaya
 2. Sunil Sharma @ Sunil Kumar S/o- Late Ramdeni Sharma @ Late Mamdeni Sharma Village- Turi Ps- Mein Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Mines Officer, Gaya Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No.II, Advocate
For the Opposite Party/s	:	Mr.Mithlesh Kumar Khare, APP
For Mines	:	Mr. Naresh Dikshit, Advocate
		Mr. Brij Bihari Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-05-2025 Heard Mr. Manish Kumar No.II, learned counsel for the petitioner and Mr. Mithlesh Kumar Khare, learned APP for the State.

2. The petitioners are apprehending arrest in connection with Tekari P.S. Case No. 747 of 2023 instituted under Section 21 of the Mines and Minerals (Development and Regulation) Act, 1958, Rule 56 of the Binar Mineral (Concession, Prevention of Illegal Mining, Transportation & Storage) Amendment Rules, 2021 and sections 379 and 411 of the Indian Penal Code lodged on 11.12.2023 by the informant, Shree Ram Choudhary.

3. As per the prosecution story, the informant alleged that upon information about illegal excavation of land which involving 10-12 tractors, the Police reached the place and captured



nine tractors/six persons. They gave their and informed that this being done near ‘Morhar’ river for long. The loss to the Government was assessed as Rs.60,15,625/-. The names of other accused persons came which led to the FIR.

4. Learned counsel for the petitioners submit that while the petitioner no.1 is the current ‘Mukhiya’ whereas the petitioner no.2 is his own brother. He further submits that all the nine tractors which were seized besides six drivers who were taken into custody. None belongs to them. Further, those arrested have been granted bail.

5. Learned APP on the other hand opposes the prayer submitting that the tractors may not belong to them but the paragraph-3 shows that altogether 16 criminal antecedent under their belt.

6. Considering the submissions of the parties as also the allegation that has come besides criminal antecedent relating to the same illegal sand mining, it would be appropriate that they seek bail.

7. The anticipatory bail application stands rejected.

(Rajiv Roy, J)

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