

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10008 of 2015

Arising Out of PS.Case No. -52 Year- 2012 Thana -MUNGER MUFFASIL District- MUNGER

- =====
1. Arvind Kumar Yadav Son of Sri Bhola Pd. Yadav Resident of village -
Herudiara, Police Station - Kasim Bazar, District - Munger
2. Ram Charitra Mandal Son of Late Babulal Mandal Resident of village -
Ramdiyari, Police Station - Ramnagar, District - Munger

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Atul Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-04-2015

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 379, 405, 447, 187, 427, 420, 465, 467, 120B of the Indian Penal Code, 4, 40, 7(2) (10) of the Bihar Mineral Prevention of Illegal Mining Transportation & Storage Act and 3/4 of the Explosive Substance Act.

It is alleged that an Area Inquiry Committee was constituted by the District Magistrate, Munger at District level consisting of Additional Collector, Senior Deputy Collector and the informant being Mining Development Officer. On 13.02.2012 the aforesaid committee inspected two acres of land of plot no. 29P. At the time of inspection,



neither the lease holder nor any of his agent were present hence, the Challan Book and Stock Register could not be verified. However, it was suspected that the mining operation was done beyond the lease area. Subsequently, the enquiry committee constituted by Mining and Geological Department of Bihar and the Committee came to find use of explosive by the lease holder without obtaining any license, hence it is violation of the Indian Explosive Act and the violation of the terms of the contract.

It is submitted by the learned counsel for the petitioners that petitioners are not named in the First Information Report. The petitioners are one of the lease holders. The name of the petitioners transpired during investigation. The investigation is still pending. Statement has been made in para-3 of the petition that petitioners have no criminal antecedent.

Considering the aforesaid facts, let the above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, 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, Munger in connection with Mufassil P.S. Case No. 52 of 2012, subject to

conditions as laid down under Section 438(2) of the Indian Penal Code.

The bail bond of the petitioners shall be accepted by the learned court below on filing affidavit to the effect that they will cooperate during investigation. The said affidavit will be transmitted to the concerned I.O. The non-cooperation in the investigation will give liberty to the learned court below to cancel the bail bond of the petitioners.

(Dinesh Kumar Singh, J)

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