

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59667 of 2017

Arising Out of PS. Case No.-116 Year-2017 Thana- GANGABRIDGE District- Vaishali

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1. Upendra Rai, son of Late Harinandan Rai
 2. Pawan Kumar @ Pawan Rai, Son of Vijay Rai
 3. Ram Ishwar Rai @ Rameshwar Rai, Son of late Ram Kripal Rai
 4. Sanjay Kumar @ Sanjay Rai, Son of Ram Ishwar Rai
 5. Prabhat Kumar Yadav @ Ram Adhar Rai, Son of Nagendra Rai @ Jai Shankar Pd. Yadav.
 6. Shatrughan Rai @ Satrohan Rai, Son of Ram Babu Rai
 7. Mohan Rai, Son of late Ramdeo Rai
 8. Suraj Rai, son of late Baijnath Rai
 9. Bahadur Rai @ Lal Bahadur Rai, son of late Swarath Rai
 10. Amarjeet Rai, son of Satya Narain Rai
- All Residents of Village-Terasiya, P.S-Ganga Bridge, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Dharendra Kumar Gupta, Adv.
For the Opposite Party/s :	Mr. J. N. Thakur, APP
	Mr. Naresh Dikshit, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-12-2017 Heard learned Counsels for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 188, 379, 411 of the I.P.C., Sections 4/40 of the Bihar Minor Mineral Concession Rules, 1972 and Rule 3/8(d) of the Bihar Minerals (Prevention of illegal Mining, Transportation and Storage) Rules, 2003.

Prosecution case is that the informant being the



Mineral Development Officer-cum-Competent Authority, Vaishali, conducted raid on 17.09.2017 and found that sands were being unloaded from the boat illegally. On seeing the raiding party, accused persons escaped from the scene, but forty cubic feet sands were recovered from the place of occurrence.

It is submitted by learned counsel for the petitioners that only on suspicion the large number of persons have been roped in the present case including the petitioners. In fact, there is no recovery from the possession of the petitioners and a statement has been made in paragraph no.3 of the petition that the petitioners have no criminal antecedent.

It is submitted by learned Counsel appearing on behalf of the Mining Department that due to illegal mining huge loss is being caused to the public exchequer.

Considering the nature of accusation, particularly the fact that neither petitioners were apprehended on the spot nor anything has been recovered from their possession, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate,



Vaishali at Hajipur in connection with Ganga Bridge P.S. Case
No.116 of 2017, subject to the conditions as laid down under
Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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