

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51849 of 2017

Arising Out of PS.Case No. -318 Year- 2017 Thana -SHERGHATI District- GAYA

- =====
1. Bishwajit Kumar, S/o Late Mahabir Paswan, R/o 51 MIG, P.S. Kankarbagh District- Patna-20, presently posted as Deputy General Manager-Executive, IL & FS Engineering and Construction Company Limited, Jendapur, Mocharim, Bodhgaya-824234, Bihar.
 2. Siddharth Singh, S/o Raj Murti Singh, R/o Kadipur, P.S.- Kadipur, District- Sultanpur, Uttar Pradesh, presently posted as Supervisor, IL & FS Engineering and Construction Company Limited, Jendapur, Mocharim, Bodhgaya-824234, Bihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 07-11-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Sherghati (Dobhi) P.S. Case No.318 of 2017/G.R. No.1179 of 2017 registered under Sections 379 and 427/34 of the Indian Penal Code besides Rules 4 and 40 of the Bihar Minor Mineral Concessions Rules, 1972.

The accusation is that in course of movement of the informant being the Halka Karamchari, Circle Office-Dobhi, he came to know that IL & FS Engineering and Construction



Company Limited, engaged in the construction of N.H.83, is illegally digging the soil from the Government land. Thereafter, the Circle Officer, Dobhi, alongwith other police officials reached at the place of digging of the soil and found that the soil was loaded on two Haiywa truck whereas one Haiywa truck was standing empty. On seeing the vehicle of the police, the drivers of the aforesaid three Haiywa trucks fled away from there leaving the Haiywa trucks. As such, the illegal digging of the soil from the Government land caused loss Rs.10,00,000/- to the Government.

Learned counsel appearing on behalf of the petitioners submits that the petitioners are the Deputy General Manager and Supervisor in the IL & FS Engineering and Construction Company Limited, engaged in the construction of N.H.83, and on payment of royalty to the Government, the soil was being extracted on testing the same. Uptil now, Rs.22,00,000/- royalty has already been paid to the Government by the Company of the petitioners but with an ulterior motive, the present case has been lodged by the informant. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten



Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Sherghati at Gaya, in connection with Sherghati (Dobhi) P.S. Case No.318 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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