

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20369 of 2017

Arising Out of PS.Case No. -32 Year- 2017 Thana -KISHANGANJ District- KISANGANJ

- =====
1. Gobardhan Gangu @ Gobardhan Ganjhu Son of Late Karu Gangu, Resident of Plot No. 625, Bari Co-operative Colony, Steel City, Bokaro, Police Station- Bokaro in the District of Bokaro (Jharkhand).
 2. Niyaz Ahmad @ Neyaj Ahamad, Son of Md. Kalam, Resident of H Sector, 2D, Lakery, Steel City, Bokaro, Police Station- Bokaro in the District of Bokaro (Jharkhand).
 3. Mukesh Shaw, Son of Ram Pravesh Shaw, Resident of Krishnapur, Rajbatti, Police Station- Krishnapur in the district of Rajbatti (West Bengal).
 4. Shahid Mohammad, Son of Ayub Mohammad, Resident of Nobabhat, Police Station- Bardhman in the District of Bardhaman (West Bengal).
 5. Bikash Debnath, Son of Manoranjan Debnath, Resident of Village- Laxmipur Khowai, Police Station- West Tripura in the District of West Tripura (Tripura).
 6. Salendra Nath Haldhar, Son of Bhalchandra Haldhar, Resident of Krishna Nagar, Police Station- Krishna Nagar in the District of Nadia (West Bengal).

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sushant Kumar

For the Opposite Party/s : Mr. Sri Bisheshwar Ram

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 07-06-2017 Heard learned counsel for the petitioners and the State.

The petitioner nos. 1, 3 and 5 are the drivers of the truck bearing nos. JH02S-9432, WB41H-0160 and WB51A-1241 whereas petitioner nos. 2, 4 and 6 are the owners of the aforesaid trucks.



These aforesaid petitioners are apprehending their arrest in connection with Kishanganj P.S. Case No. 32 of 2017 for the offence under 420, 379/34 of the Indian Penal Code and Section 21(i), 21(ii) of Mines and Mineral (D&R), 1957 and Rules 8(D) of Bihar Mineral Prevention of Illegal Mining Transportation and Storage Rule, 2003.

From perusal of the FIR, it appears that trucks were seized on 6.1.2017 and 10.1.2017 on the ground of irregularity in the papers. However, after unexplained delay of 12 days, the Mining Inspector submitted written application to the SHO, Kishanganj Police Station. The petitioners have stated in para 12 about oblique motive of the Mining Inspector behind lodging of the present case.

Para-12 is being quoted for ready reference:-

“That it is humbly submitted that coal was loaded in the aforesaid above mentioned three trucks at Assam by paying the valid royalty to Assam Mineral Development Corporation Ltd. which is a Government of Assam undertaking and they issued the transit pass but despite of showing all the valid papers to the informant, he was not ready to release the truck without paying gratification amount Rs. 25,000/- each truck to him. Not only this all the papers handed over to the informant was also not given to the petitioners



including petitioner no.1,3 and 5.

Having regard to the unexplained inordinate delay in lodging the FIR and the statements of the petitioners in para3 that they have clean antecedent, I am inclined to enlarge the petitioners, named above, on bail in the event of surrender or arrest before the court below within a period of four 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 learned Chief Judicial Magistrate, Kishanganj, in connection with Kishanganj P.S. Case No. 32 of 2017, subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Anil Kumar Upadhyay, J)

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