

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51618 of 2017

Arising Out of PS. Case No.-88 Year-2012 Thana- KHAIRA District- Jamui

Rajendra Kumar Sah @ Rajendra Saw S/o Sri Prasadi Saw, Resident of Village-Parsahi, Post-Garhi, Police Station Khaira, District-Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh, Adv.
For the Mines Dept.	:	Mr. Naresh Dixit, Adv.
		Mr. Brij Bihari Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-11-2017 Heard learned counsels for the petitioner and Mines Department.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 379 of the IPC, Rule 4 and 40 of the Bihar Minor Mineral Concession Rules, 1972 and Sections 3/4 of the Explosive Substances Act.

The prosecution case, as per the written report of Hari Mohan Das, Mines Development Officer, Jamui is to the effect that on 21.06.2012 at 9 AM, the informant along with Chairman of his office visited Mauza Sokho and Dant Rangwa. At the time of inspection, the informant found that about 30-35 labourers had been excavating stones, who upon seeing the informant flee away. Upon enquiry from local persons, the informant came to



know that in Mauza Dant Rangawa, illegal mining was conducted by Md. Guddu, Vikash Singh, Md. Munna Ansari, Vinod Saw, Vishundeo Saw, Pradeep Saw, Murtaz Ansari and the petitioner Rajendra Saw. During inspection, it also came to the knowledge of the informant that for conducting mining operation, the explosives were using without licence. Only one person namely Vijay Kumar has been granted mining lease, hence all other mining operators are illegal.

It is submitted by learned counsel for the petitioner that there is no recovery from the petitioner and only on suspicion, the accusation has been levelled. The investigation is still pending. Moreover, similarly situated accused persons Md. Murtaz Ansari @ Murtaza Ansari, Bikash Kumar Singh @ Bikash Singh and Md. Munna Ansari @ Samasher Ali @ Munna Mia have been granted anticipatory bail by different Benches of this Court vide Cr. Misc. Nos. 45560 of 2017, 36763 of 2017 and 31369 of 2017, respectively. A statement has been made in paragraph no. 3 of the petition that the petitioner has no criminal antecedent.

It is submitted by learned counsel for Mines Department that several labourers were found conducting mining operation, but all escaped from the scene on arrival of the informant.



Moreover, the case was registered in the year 2012 and the present bail application has been preferred in the year 2017.

Considering the facts that the accusation is omnibus and general, there is no recovery from the petitioner and similarly situated accused persons have been granted anticipatory bail by different Benches of this Court, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Khaira P.S. Case No. 88 of 2012, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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