

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72330 of 2018

Arising Out of PS. Case No.-254 Year-2018 Thana- RAMNAGAR District- West Champaran

Satyendra Mani Tiwari, Son of Late Kamla Kant Tiwari, Resident of Village-
Pakariya Deoraj, P.S.- Ramnagar, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Umesh Chandra Verma
For the Opposite Party/s	:	Mr. Ashok Kumar Singh
For the Mining	:	Mr. Naresh Dixit, Adv. Mrs. Kalpana

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-12-2018 Heard learned counsels for the petitioner and the
State.

Learned counsel for the petitioner is permitted to
implead Department of Mines, as O.P. No.2.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Section 379 of the IPC,
Section 40(4),(5),(7),(8) of the Bihar Minor Minerals
Concession Rules, 1972 and Sections 3,4,6 and 8 of the Bihar
Minerals (Prevention of Illegal Mining, Transportation and
Storage) Rules, 2003, Section 21 of the Mines and Minearals
(Development & Regulation) Act, 1957, and Section 15 of the
Environment Protection Act, 1986.

The prosecution case, as per the written report of Md.



Zaved Ekbal, the Minerals Development Officer, Bettiah submitted to the Station House Officer, Ramnagar Police Station, is to the effect that the Sub-Divisional Police Officer and S.H.O., Ramnagar received secret informantion that illegal mining is being conducted at Masan River, when a raid was laid, 44 tractors, indulged in transportation of illegal sand, were intercepted. Out of which 38 tractors were loaded with sand and 6 tractors were vacant.

It is submitted by learned counsel for the petitioner that the petitioner is the owner of one of the six tractors, which was not loaded with sand. It is further submitted that the petitioner was not present at the place of seizure. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the Department of Mines submits that due to illegal mining of sand, huge loss has been caused to public exchequer.

Considering the fact that the prosecution has failed to prove that the petitioner was present at the place of occurrence, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 **SDJM, Bagaha, West Champaran** in connection with **Ramnagar, P.S. Case No. 254 of 2018** subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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