

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6586 of 2018

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

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1. Ajeet Kumar @ Ajit Kumar, S/o Shiv Charan Prasad, R/o Village- Lalganj, P.S.- Chandauti, District- Gaya.
 2. Nand Kishore Sinha S/o Late Madan Mohan Prasad , R/o Village- Kamat, P.S.- Sherghati, District- Gaya.
 3. Amrendra Pandey @ Amarendra Kumar Pandey Pandey S/o Navdeshwar Pandey, R/o Village- Naur, P.S.- Navinagar, District- Aurangabad.
 4. Nand Kishore Mehta S/o Sarju Mehta, R/o Village- Dudhar Tola, Koiri Bigha, P.s.- Barun, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2
For the Opposite Party/s : Mr. SRI AJAY KUMAR JHA

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-02-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 379 and 427/34 of the IPC and sections 4 and 40 of the Bihar Minor Mineral Concession Rules, 1972.

The prosecution case as per the written report of Rohit Kumar, Revenue Clerk, Dobhi addressed to the SHO, Dobhi Police Station is to the effect that the informant came to know that M/s IL & FS Engineering and Construction Co. Ltd. is engaged in construction of NH 83, which is using the soil after mining it from the Government land and thereby the



Government has sustained a loss of Rupees Ten Lacs. During such inspection, three Highwa trucks were seized, out of which two trucks belong to petitioner nos. 1 and 3 whereas petitioner nos. 2 and 4 are drivers of two Highwa trucks.

It is submitted by learned counsel for the petitioners that the petitioners are owners of the Highwa trucks and drivers were engaged by M/s IL & FS Engineering and Construction Co. Ltd. The officials of the Company have been granted anticipatory bail vide order dated 7.11.2017 passed in Cr. Misc. No. 51849 of 2017, as contained in Annexure 2, on the ground that the Construction Company paid Rs.22,00,000/- as royalty to the Government.

However, learned counsel for the Mines Department submits that the petitioners were illegally carrying the soil from the government land.

Considering the fact that thrust of accusation is against the Construction Company, while the officials of the Company have been granted anticipatory bail on the ground that they have already paid royalty amount to the Government, coupled with the statement in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender



within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, Sherghati, Gaya in connection with Sherghati (Dobhi) P.S. Case No. 318 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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