

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27277 of 2018

Arising Out of PS. Case No.-346 Year-2017 Thana- NOKHA District- Rohtas

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1. Foudar Chaudhary @ Faujdar Chaudhary, S/o Madho Chaudhary,
 2. Pappu Chaudhary, S/o Faujdar Chaudhary,
 3. Prabhu Chaudhary, S/o Bihari Chaudhary,
 4. Nepali Chaudhary, S/o Late Sushil Chaudhary,
 5. Krishna Chaudhary @ Kishor Chaudhary, S/o Late Sushil Chaudhary,
- All are Residents of Vill.- Parsan Tola (Koniya), P.S.- Nokha, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.
For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 07-05-2018 Heard learned Counsel for the petitioners and learned
Special P. P. Department of Mines.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 120B, 147, 148, 307, 341, 353 of the Indian Penal Code and Rule 75 of the Bihar Minor Mineral Rules, 2017.

The prosecution case got initiated on the basis of written report submitted by Kripa Shankar Sah to the Station House Officer, Nokha Police Station is to the effect that during patrolling some persons were found conducting illegal mining,



whereupon, on raid being laid, 15-20 persons escaped from the scene, but one tractor was intercepted loaded with illegal mined sand. While the intercepted tractor was taken to Police Station, 24-25 persons, riding on 7-8 motorcycle, attacked the raiding party and pelted stones on them. Out of which, one person was apprehended, who disclosed his name as Satendra Kumar. The apprehended accused disclosed the name of other accused persons, including the petitioners, who are indulged in the business of illegal mining.

It is submitted by learned counsel for the petitioners that the petitioners' name sprang up on the confession of apprehended co-accused. Moreover, there is no recovery from the petitioner and the petitioners are not in any way connected with alleged illegal mining. Apprehended co-accused Satendra Kumar, has been granted regular bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No. 10707/2018. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that illegal mining causing huge loss to the state exchequer.

Considering the fact that the name of accused person surfaced on the confession of co-accused, who has been granted



bail, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 the learned ACJM, Sasaram, Rohtas, in connection with Nokha P.S. Case No.346 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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