

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75204 of 2018

Arising Out of PS. Case No.-380 Year-2018 Thana- BANKA District- Banka

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1. Rahul Kumar Singh, Son of Bajrangi Singh @ Ram Lakhan Singh,
 2. Ashok Singh @ Ashok Pd. Singh, Son of Hari Singh, Both Resident of Village- Pathra, P.S.- Banka and District- Banka.
 3. Rohit Kumar Singh @ D.M. Singh, Son of Bishnudeo Singh, Resident of Village- Domakhand, P.S.- Banka and District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Principal Secretary cum Commissioner, Department of Mines & Geology Government of Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar

For the Opposite Party/s : Mr.Sri Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-12-2018 Heard learned counsel representing the petitioners.

Neither the learned APP representing the State nor the Special P.P. representing the Department of Mines and Geology, Government of Bihar, Patna are present.

Petitioners are seeking anticipatory bail in connection with Banka P.S. Case No.380 of 2018 dated 01.06.2018 registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code, Section 4/40 of the B.M.M.C. Rules, 1972 and Section 6(4) and 8(d) of the Bihar Minerals Prevention of Illegal Mining, Transportation and Storage Rule, 2003.

Learned counsel for the petitioners submits that it is a



case of false implication against the petitioners on the allegation that he had stored sand which were illegally extracted and its royalty, revenue etc., were not paid. Learned counsel submits that these petitioners have nothing to do with this place from where the sand has been seized. In any case, learned counsel submits that as per the F.I.R., the allegation is that the sand which has been recovered and in respect of which the allegation have been made against these petitioners are that these persons were illegally storing the sand for its trading worth Rs.2,94,400/- Rs.3,45,600/- and Rs.3,58,400/-, at this stage these petitioners are ready to deposit a sum of Rs.50,000/- each in the Court below to so their bona fides which may not prejudice their case.

In the given facts and circumstances, where it is the submission of the learned counsel for the petitioners that the land from where sand had been seized do not belong to these petitioners and each of these petitioners are willing to deposit a sum of Rs.50,000/- in the Court below just to show their bona fide, in case of arrest or surrender of the petitioners within a period of four weeks from today, the abovenamed petitioners shall be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees fifteen thousand) each with two sureties of the like



amount each to the satisfaction of the learned Chief Judicial Magistrate-1, Banka in connection with Banka P.S. Case No.380 of 2018 dated 01.06.2018 along with the deposit of Rs.50,000/- by each of the petitioners which will remain in deposit till the conclusion of the trial. The deposit made by the petitioners shall not prejudice their case. Petitioners shall join the investigation by reporting to the Investigating Officer within a period of three weeks from today and shall cooperate in course of investigation, failing which the Investigating Officer shall be at liberty to take steps for cancellation of their bail bond. This will be in addition to condition prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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