

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.17465 of 2020**

Badri Narayan Singh, Son of Mushafir Singh, Resident of Village-Barundih,  
P.S.-Barun, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar, Adv.

For the Opposite Party/s : Ms. Anita Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

2      23-07-2020                      Heard Mr. Sanjay Kumar, learned counsel for the  
petitioner and Ms. Anita Kumari, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail  
in connection with Barun P.S. Case No.87/2019 registered for  
the offences under Sections 379, 411 and 420/34 of the Indian  
Penal Code, Section 4/40 of the Bihar Minor Minerals  
Concession Rules and Section 15 of Environment Protection  
Act..

Learned counsel for the petitioner submits that the  
petitioner is the owner and driver of the tractor in question and  
his tractor was seized and it was involved in carrying soil near  
the bank of river Sone and it is his contention that the said soil  
may contain some element of sand also.

Learned counsel further submitted that a learned



coordinate Bench of this court had earlier granted privilege of anticipatory bail in Cr. Misc. No. 33593/2019 to the co-accused.

Learned A.P.P. for the State has opposed the prayer for pre-arrest bail of the petitioner. It is submitted that on perusal of the First Information Report it will appear that the petitioner was involved in loading and carrying sand which were being illegally extracted from the Sone River. The tractor of the petitioner was not having even registration number and it shows that in a planned manner the petitioner had not taken the registration number of the vehicle and was involved in unlawful gain causing unlawful loss to the nation as a whole.

It is submitted that though this kind of crime gives an impression that it is a petty offence but the fact remains that in several judicial pronouncements of this court as well as Hon'ble Apex Court it has been observed that illegal mining of the national resources are loss to the nation and should be seen seriously. It is further submitted that considering the increasing trend of illegal extraction of sand and selling of the same in the market on an exaggerated price, the persons involved in such occurrence need to be discouraged. With reference to the order passed by a learned coordinate Bench, learned A.P.P. submits that the learned coordinate Bench of this court has exercised its



discretion in the facts and circumstances of the said case the order has been passed but in the present case this Court may consider the submissions made hereinabove.

Having regard to the facts and circumstances of the case wherein it is evident from the submissions of learned counsel for the petitioner itself that the vehicle was involved in carrying of illegally mined sand, though the contention of the petitioner is that the vehicle was carrying soil containing some sand from the Sone River but it is the contention of learned APP that from the bank of river Sone it is the sand which is being illegally extracted and loaded not the soil, the registration number of the vehicle of the petitioner is also not obtained and upon noticing that the learned coordinate Bench of this court had granted anticipatory bail to the co-accused exercising the discretion and taking note of the submissions of the petitioner in the said case that the tractor was seized by the informant as the petitioner refused to cough up the demand of graft made by the informant but the facts of the present case as noticed above and the submission of learned A.P.P. that in the given circumstance the petitioner does not deserve privilege of anticipatory bail, this Court refuses to grant privilege of pre-arrest bail to the petitioner. This Application is, thus, dismissed.



In case, the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered by the court below on it's own merit without being prejudiced by the order of this court and the court below shall consider the prayer for regular bail independently and on considering the judicial pronouncements of this Court which may be relied upon on behalf of the petitioner.

**(Rajeev Ranjan Prasad, J)**

rajeev/arvind-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

