

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27271 of 2020**

Arising Out of PS. Case No.-7 Year-2020 Thana- SHAMBHUGANJ District- Banka

MAUSAM KUMAR PASWAN Son of Suresh Paswan Resident of Village-  
Sonmanichak, P.S.- Hawali Kharagpur, District- Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                          |   |                                   |
|--------------------------|---|-----------------------------------|
| For the Petitioner/s     | : | Mr.Balram Kapri                   |
| For the Mines            | : | Mr. Brij Kishore Tiwari           |
| For the Opposite Party/s | : | Mr.Sanjay Kumar Tiwari NO. 1, APP |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4      09-12-2020                      This matter is taken up for consideration through  
  
Video Conferencing under the orders of Hon'ble the Chief  
  
Justice.

Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner apprehends his arrest in Shambhuganj  
P.S. Case No. 07 of 2020, registered for the offences punishable  
under Sections 379, 411 of the Indian Penal Code and section 40  
of the Bihar Minor Mineral Concession Rule, 1972, section 8 of  
the Bihar Minerals (Prevention of Illegal Mining, Transportation  
and Storage) Rule, 2003 and section 15 of the Forest and  
Environment Protection Act, 1986.

Prosecution case in brief is that on 10.01.2020, a



tractor loaded with illegal sand was seized. The driver fled away after seeing the raiding party. Petitioner is owner of the said tractor.

It is submitted on behalf of counsel for the Mines Department that due to illegal mining of sand, petitioner has caused revenue loss of Rs. 14,412.50.

It is submitted that petitioner undertakes to deposit Rs. 14,412.50 with the District Mining Officer, Banka within a period of four weeks from today.

In view of the aforesaid undertaking that petitioner shall deposit Rs. 14,412.50 with the District Mining Officer, Banka within a period of four weeks from today, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on **provisional bail** on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Shambhuganj P.S. Case No. 07 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

If the petitioner deposit the same within the stipulated



period, the court below shall confirm the provisional bail of the petitioner, failing, the provisional bail of the petitioner shall automatically stand dismissed.

**(Prabhat Kumar Singh, J)**

vinita/-

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

