

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18873 of 2021

Arising Out of PS. Case No.-206 Year-2020 Thana- NAYA RAM NAGAR District- Munger

1. WARASAT HUSSAIN @ MD. WARASAT HUSSAN @ POLO MIYAN
SON OF ASALAT HUSSAIN RESIDENT OF VILLAGE- PADHAM,
POLICE STATION- NAYA RAMNAGAR (SAFIYA SARAI), DISTRICT-
MUNGER
2. BAJAHAT HUSSAIN @ MD. WAJAHAT HUSSAIN @ DHOLO MIYAN
SON OF ASALAT HUSSAIN RESIDENT OF VILLAGE- PADHAM,
POLICE STATION- NAYA RAMNAGAR (SAFIYA SARAI), DISTRICT-
MUNGER

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. THE SECRETARY, DEPARTMENT OF BIHAR MINES AND
MINERALS, BIHAR, PATNA BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 15-12-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners are expected to
honour their undertaking to remove the defects, as pointed out
by the office, when called upon to do so by the office.

The petitioners is/are apprehending his/their arrest in
connection with Naya Ramnagar (Safiya Sarai) P.S. Case No.
206 of 2020 for the offence registered under Sections 379 and
414/34 of the Indian Penal Code and Section 11/56 of the Bihar
Minerals Concession Prevention of illegal Mining



Transportation and Storage Rules 2019 and Section 4/21 M.M.
(DR) Act 1957.

The prosecution case in brief is that illegal mining of soil was going on at Padham village. It is further alleged that after seeing the police party, all the accused person fled away from the place of occurrence. Two Tractors and two trailers were seized on the spot. It is further alleged that land in question was verified at circle office and the land was said to have in possession of the petitioners and others. It is further alleged that illegal mining of soil was used for constructing of brick.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in connection with the present case. It is further submitted that neither the land in question nor the seized tractor was belonged to the petitioners, as such, no case is made out against the petitioners. Petitioners have no concern with the vehicle which was used for illegal mining of soil.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his/their arrest/surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties



of the like amount each to the satisfaction of learned A.C.J.M.-
1st Munger in connection with Naya Ram Nagar (Safia Sarai)
P.S. Case No. 206/2020, subject to the conditions as laid down
under Section 438(2) of the Cr. P.C.

(Sunil Kumar Panwar, J)

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