

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34917 of 2021

Arising Out of PS. Case No.-348 Year-2020 Thana- SABAUR District- Bhagalpur

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1. NARAD MANDAL S/o Ganeshi Mandal R/o village- Athkama, P.S.- Sabour, District- Bhagalpur
 2. Dabloo Mandal S/o Jaldhar Mandal R/o village- Athkama, P.S.- Sabour, District- Bhagalpur

... .. Petitioners

Versus

1. The State of Bihar
2. The State of Bihar, through the Secretary, Department of Bihar Mines and Mineral, Bihar, Patna Bihar

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Mr. N. N. Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-07-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in a case registered under Section 379 of the Indian Penal Code, Sections 4, 40, 49 of Bihar Mines Mineral Concession Rules, 1972, Sections 3, 6, 18 of Bihar Minerals (Prevention of Illegal Mining Transportation & Storage) Rule, 2003 and Section 15 of Environment Protection Act.



The prosecution allegation, in short, is that in a joint raid conducted by the police, the accused persons were found are involved in illegal mining of soil.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. No incriminating article is said to have been recovered from the possession of the petitioners. The names of the petitioners have transpired on the basis of disclosure made by the local residents. Except for this, there is no other substantive evidence to suggest their implication in the present case.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances and also the lockdown, the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Sabour P.S. Case No. 348/2020, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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