

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9621 of 2022

Arising Out of PS. Case No.-333 Year-2021 Thana- AMARPUR District- Banka

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1. SISTAM KUMAR S/o Mithilesh Yadav Resident of Village - Sadpur, P.S. - Amarpur, Distt. - Banka.
 2. Rupesh Kumar @ Rupesh Kr Yadav S/o Mithilesh Yadav Resident of Village - Sadpur, P.S. - Amarpur, Distt. - Banka.
 3. Rahul Kumar S/o Mithilesh Yadav Resident of Village - Sadpur, P.S. - Amarpur, Distt. - Banka.
 4. Aman Kumar @ Aman Kumar Singh Son of Late Kishori Prasad Singh @ Late Kishori singh Resident of Village - Singpur, P.S. - Amarpur, Distt. - Banka.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. The Assistant Director, Mines and Geology, Department, Banka. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Adv.
For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-08-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 379/411 of the Indian Penal Code, section 56 of Bihar Minerals (Concession,



Prevention of Illegal Mining, Transportation and Storage) Rule, 2019, section 21 of MMDR Act 1957 and section 15 of Environment Protection Act, 1986.

Altogether 6000 CFT sand has been recovered beside the road near Rampur village. The local people disclosed that the petitioners and others were involved in the alleged illegal mining and dumping of sand.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case only on suspicion. No recovery has been made from the conscious physical possession of the petitioners. Petitioners have no concern with the illegal trade of sand or the place of recovery. It is submitted that according to the FIR, the loss amount as calculated by the informant is Rs.2,62,780/- and the petitioners are ready to deposit their part of the loss amount which comes to Rs.43,600/- each approximately.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since the petitioners are ready to deposit the loss amount to the tune of Rs.43,600/- each, let the above named petitioners, be



released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Amarpur P.S. Case No.333 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, learned court below is directed to accept the bail bonds of the petitioners after showing the receipts of deposit of Rs.43,600/- (Rs. Forty Three Thousand Six Hundred) each in the Mines Department.

This application is accordingly disposed of.

(Anjani Kumar Sharan, J)

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