

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12051 of 2022

Arising Out of PS. Case No.-546 Year-2021 Thana- GAYA MUFASIL District- Gaya

DHARMENDRA KUMAR Son of Mahendra Yadav Resident of Village -
Tetuiya Bakraur, P.s.- Bodh Gaya, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mines and Minerals Department Govt of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s :	Mr. Shyameshwar Dayal, APP
	Mr. Navesht Dikshit, Advocate
	Mr. Utrav Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-10-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State and learned counsel for the Department of
Mines.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 379, 411 and 353 of the Indian Penal Code and under Sections 21 of MM (D.R.) Act and 56 B.M (C.P.I.M.T.S.) Rules, 2019.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that altogether 500 CFT of sand was recovered from five tractors, as such from one tractor 100 CFT of sand was recovered.



Learned counsel for the petitioner submits that the petitioner is owner of one of the tractors but was not present at the place of occurrence and was completely unaware that the driver of the tractor would misuse the vehicle for such illegal purpose, it is also submitted that since the driver of the vehicle had misused his vehicle, hence the petitioner is ready to deposit the amount assessed by the authorities with respect to 100 CFT of sand, as he is owner of one of the tractors.

Learned counsel appearing for the Department of Mines submits that since the offence is compoundable and the petitioner had agreed to deposit the compounding fees for compounding the case as such he for the present does not object the grant of anticipatory bail.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Gaya Muffasil P.S. Case No. 546 of 2021 subject to the conditions as laid down



under Section 438 (2) of the Cr.P.C.

In the event, if any application is filed on behalf of the Departments of Mines that the petitioner has obtained bail but has not deposited the compounding fees then the learned trial court shall forthwith cancel the bail bonds of the petitioner after recording reasons.

(Satyavrat Verma, J)

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