

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22155 of 2021

Arising Out of PS. Case No.-649 Year-2017 Thana- DEHRI TOWN District- Rohtas

BALI RAM SINGH Son of Late Shiv Pujan Singh Resident of Village- Gopi
Bigha, P.S.- Dihri (T), District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 12-01-2022 Heard Mr. Ashok Kumar Pandey, learned
Advocate for the petitioner and the learned APP for the
State.

The petitioner seeks bail in anticipation of his arrest in connection with Dihri (T) P.S. Case No. 649 of 2017 dated 30.08.2017 instituted for the offences under Sections 379 and 34 of the Indian Penal Code and under Section 40(1) of the Bihar Mining Act and Sections 33, 41 and 42 of the Forest Act.

The petitioner has been made accused in this case because on the land which has been settled in his favour, crusher machines were being run for making stone chips. The quarrying of the stones was done in an unauthorized manner. The prosecution of the petitioner therefore is on the basis of the accusation that he has



permitted the stone crusher machines to be operated from his field.

Learned counsel for the petitioner has submitted that the land in question has been settled in favour of three brothers including the petitioner and for the land to be used by one of the brothers in any unauthorized manner, the petitioner cannot be held solely responsible for the same.

Apart from this, it has been submitted that assuming but not admitting the fact that crusher machines were operational in the land belonging to the petitioner and his brothers, that by itself would not make the petitioner liable for his prosecution under the Mining Act or the Forest Act unless it is shown that the petitioner or the other joint owners of the land had knowledge that unauthorizedly quarried stones are being crushed into stone chips on his land. The petitioner being the co-owner of the land where crusher machines were operative is no ground to prosecute him for the offences listed in the FIR.

The two other cases in which the petitioner has been made accused earlier, he has been granted bail.

For the reasons aforesaid, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of



four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate - 1st Class, Dihri, Rohtas in connection with Dihri (T) P.S. Case No. 649 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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