

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22704 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- LADANIA District- Madhubani

1. Dilip Kamat Son Of Late Ram Gulam Kamat R/O Village- Donwari, Kumar Khat, Ward No.-11, P.S.- Ladaniya, District- Madhubani.
2. Sudhir Kumar Kamat Son Of Late Ram Gulam Kamat R/O Village- Donwari, Kumar Khat, Ward No.-11, P.S.- Ladaniya, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Jha
For the Opposite Party/s	:	Mr. APP
For the Mines Deptt.	:	Mr. Naresh Dikshit, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 30-08-2022 Heard learned counsel for the parties.

The petitioners apprehend their arrest in connection with Ladaniya P.S. Case No.21 of 2022, registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code, Section 21 of the M.M. (D&R) Act, Section 56(ii) of the B.M.M.C. Rule, 2019 and Section 15 of the Environment Protection Act.

The prosecution case, in brief, is that on 28.01.2022 at about 6 pm, on the basis of secret information, S.D.O., Jaynagar and C.O., Ladaniya raided against illegal mining at Donbari village near Gagan River and seized five tractor loaded with sand and a J.C.B. Machine.



Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. The petitioners have got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that the petitioners are ready to deposit the loss amount, i.e., Rs.4,00,000/- (rupees four lakhs) occurred to the Mines Department within a period of six weeks from today.

Taking into consideration the facts aforesaid, let petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on **provisional anticipatory bail for a period of six weeks** from their release on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Ladaniya P.S. Case No.21 of 2022, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that after six weeks from the date of release of the petitioners, the learned court below shall verify whether the petitioners have paid the loss amount, i.e., Rs.4,00,000/- (rupees four lakhs) occurred to the Mines



Department or not and if it is found that the loss amount was paid by the petitioners to the Mines Department, the provisional bail granted to the petitioners shall be confirmed by the learned court below itself.

(Anjani Kumar Sharan, J.)

Sanjay/-

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