

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22681 of 2022

Arising Out of PS. Case No.-115 Year-2021 Thana- CHANAN District- Lakhisarai

BIPUL KUMAR SON OF JITENDRA SINGH R/O VILLAGE- TILAKPUR,
P.S.- KIUL, DISTRICT- LAKHISARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 25101 of 2022

Arising Out of PS. Case No.-115 Year-2021 Thana- CHANAN District- Lakhisarai

1. HARERAM SINGH S/o Sri Arvind Singh Resident of Village Batta Rampur, P.S.- Chanan, District- Lakhisarai.
2. Bhuneshwar Yadav S/o Sri Rajendra Yadav Resident of Village- Mananpur Bazar, P.S.- Chanan, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 22681 of 2022)

For the Petitioner	:	Mr. Rajesh Kumar Sinha, Advocate
For the State	:	Mr. Shyameshwar Dayal, APP
For the Mines Deptt.	:	Mr. Naresh Dikshit, Spl. P.P., Mines
		Mr. U. Anand, AC to Spl. P.P., Mines

(In CRIMINAL MISCELLANEOUS No. 25101 of 2022)

For the Petitioners	:	Mr. Vipin Kumar, Advocate
For the State	:	Mr. H.A. Khan, APP
For the Mines Deptt.	:	Mr. Naresh Dikshit, Spl. P.P. Mines
		Mr. U. Anand, AC to Spl. P.P., Mines

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-09-2022 Heard learned counsel for the petitioners, learned APP

for the State as well as learned counsel appearing on behalf of the

Mines Department.

The petitioners apprehend their arrest in connection



with Chanan P.S. Case No.115 of 2021 (wrongly mentioned as Chanan P.S. Case No.115 of 2020 in the prayer portion of Cr. Misc. No.22681 of 2022), registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code, Rule 56(2) of the B.M. (CPIMTS) Amendment Rule, 2021 and Section 21 of the M. M. (D&R) Act, 1957.

One Vyas Paswan, Mining Inspector made his written report before the police alleging inter alia that in compliance of the department Letter No.3064/m, Patna dated 05.10.2021, the informant alongwith the police has inspected the stock of sand of the named FIR persons whose licenses have already expired even they they illegally made storage of sand. It is also alleged that on spot enquiry, they found the differences of stock from the PMU, Record (Office Record) which is against Rule 39(3) of BM (CPIMTS) Rule, 2019 and other Rules mentioned in the FIR.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that petitioner of Cr. Misc. No.22681 of 2022 and petitioner no.1 of Cr. Misc. No.25101 of 2022 have got no criminal antecedent whereas petitioner no.2 of Cr. Misc. No.25101 of 2022 has got one criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that the petitioners have paid the royalty for the said stock. It is submitted



that time to time the licence was being renewed and was valid for 31.12.2020 and for fresh renewal of said licence, the petitioners have already applied for renewal of his licence on 23.12.2020 alongwith fee of Rs.2000/- (Annexure-3 of Cr. Misc. No.22681 of 2022).

Learned counsel appearing on behalf of the Mines Department opposed the prayer for anticipatory bail of the petitioners and submitted that the petitioners have sold the said sand without permit.

Taking into consideration the fact that the petitioners have already paid the royalty to the concerned authority, 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 bail 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 A.C.J.M., Lakhisarai in connection with Chanan P.S. Case No.115 of 2021, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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