

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36410 of 2021

Arising Out of PS. Case No.-32 Year-2021 Thana- AURAI District- Muzaffarpur

1. AJAY KUMAR Son of Mr. Bindeshwar Sahani Resident of Village - Bahuara, P.S. - Aurai, District - Muzaffarpur
2. Gorakh Sah Son of Mr. Laldhari Sah Resident of Village - Sarhanchia, P.S. - Aurai, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh

For the Opposite Party/s : Mr. Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 03-02-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioners and learned APP for the State through video conferencing.

The petitioners apprehend their arrest for the offences alleged under Sections 434 and 427 of the Indian Penal Code, Mines and Minerals (Development and Regulation), 1957 Rule 21 (hereinafter referred to Mines Act, 1957) and Bihar Minerals (Concessions, Prevention of Illegal Mining, Transportation and storage), Rules 2019 Rule 56 (hereinafter referred to Mines Rules, 2019) registered in connection with Aurai P.S. Case No. 32 of 2021.

The learned counsel for the petitioners has submitted that they are the owners of the JCB machines which were allegedly found from the place of occurrence where the sand was illegally excavated. He has also submitted that to cut short the matter, both the petitioners have deposited Rs. 3,00,000/- each as fine and in this respect a xerox copy of the letter no. 384 dated 19.04.2021 issued by the District Mining Officer,



Muzaffarpur has been annexed with the record.

Considering the fact that both the petitioners have already deposited the entire amount of fine, let the petitioners above-named, in the event of their arrest or surrender within four weeks from the date of communication of this order, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Muzaffarpur in connection with Aurai P.S.Case No. 32 of 2021, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

HR/-

U		T	
---	--	---	--

