

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40685 of 2021

Arising Out of PS. Case No.-107 Year-2021 Thana- KOILWAR District- Bhojpur

1. Nirmal Ray S/o Rup Narayan Ray R/o Village - Balwan Tola, P.S. Doriganj, District Saran at Chapra.
2. Rajesh Kumar Singh S/o Birendra Singh R/O Village - Milki, P.S. - Udwantnagar, Dist. - Bhojpur.

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 07-04-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in

a case registered for the offences punishable under

Sections 379, 414 of the Indian Penal Code, under

Section 11/56(i) of the Bihar Minor Mineral Concession

Rules, 2019 and under Section 15 of the Environmental

Protection Act, 1986.

The prosecution case as per F.I.R is that the

tractor of the petitioner No. 1 was being used for illegal

mining, storage and transportation of the sand which



was intercepted and seized along with other tractors and trucks and thereby a loss of Rs. 3,75,050/- has been incurred to the government exchequer. Petitioner No. 2 is driver of the alleged tractor.

It is submitted by learned counsel for the petitioners that petitioners are innocent, committed no offence and they have been falsely implicated in this case. It is further submitted that petitioners are not indulged in any illegal mining. Moreover, many tractors and trucks were seized along with the tractor of the petitioners. Hence, it cannot be claimed that due to illegal mining of sand by the tractor of the petitioners, the government incurred loss of Rs. Rs. 3,75,050/-.

The petitioner, however is ready to deposit Rs. 40,000/- in the Department of Mines.

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/-
(Ten Thousands) with two sureties of the like amount
each to the satisfaction of learned Chief Judicial
Magistrate, Bhojpur at Ara in connection with Koilwar
P.S. Case No. 107 of 2021, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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