

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36166 of 2022

Arising Out of PS. Case No.-66 Year-2022 Thana- JAGDISHPUR District- Bhagalpur

1. SHAMBHU SIKDAR @ SHAMBHU SINGH SON OF LATE GAURI SIKDAR Resident of village- Tahsur, Police Station- Jagdishpur, District- Bhagalpur.
2. RABINDRA SIKDAR SON OF SHAMBHU SIKDAR Resident of village- Tahsur, P.s.- Jagdishpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 37232 of 2022

Arising Out of PS. Case No.-66 Year-2022 Thana- JAGDISHPUR District- Bhagalpur

1. DHRUB KUMAR @ DHRUB @ CHOTU Son of Arun Prasad Singh @ Arun Kumar Singh Resident of Village - Tahsur, P.S. - Jagdishpur, District - Bhagalpur.
2. Ravi Kumar @ Kalu Son of Sukhdeo Singh @ Padu Sah Resident of Village - Tahsur, P.S. - Jagdishpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 36166 of 2022)

For the Petitioner/s : Mr. Syed Masleh Uddin Ashraf, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

(In CRIMINAL MISCELLANEOUS No. 37232 of 2022)

For the Petitioner/s : Mr. Syed Masleh Uddin Ashraf, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-11-2022

CRIMINAL MISCELLANEOUS No.36166 of 2022

Heard learned counsel for the petitioners and learned

A.P.P. for the State.

The petitioners apprehend their arrest in a case



registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code read with Section 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that a raid was conducted near Tahsur River where a tractor loaded with 17850 square feet sand and an accused were apprehended and brought to the police station, it is next alleged that the illegal mining caused loss of revenue to the Government to the tune of Rs. 9,44,975/- and on inquiry it was found that the petitioners along with four others were indulging in illegal sand mining.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that petitioners were not apprehended from the place of occurrence as such nothing was recovered from their conscious possession, further the petitioners are neither the owner nor the driver of the alleged tractor and it seems that the informant with a view to save the real culprit has not tried to find out that who is the owner of that tractor rather has alleged that based on inquiry he came to know that petitioners along



with four others were indulging in illegal mining.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the 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 released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Jagdishpur P.S. Case No. 66 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

CRIMINAL MISCELLANEOUS No. 37232 of 2022

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code read with Section 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019.

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Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that petitioners were not apprehended from the place of occurrence as such nothing was recovered from their conscious possession, further the petitioners are neither the owner nor the driver of the alleged tractor and motorcycle and it seems that the informant with a view to save the real culprit has not tried to find out that who is the owner of that tractor rather has alleged that based on inquiry he came to know that petitioners along with four others were indulging in illegal mining.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the 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 released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Jagdishpur P.S. Case No. 66 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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