

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52244 of 2021**

Arising Out of PS. Case No.-163 Year-2021 Thana- BARHARA District- Bhojpur

1. Kanhaiya Kumar Ray @ Kanhaiya Ray S/o Late Radha Ray R/o village- Kolhrampur, P.S.- Barahara, District- Bhojpur.
2. Joga Ray S/o Khakhanu Ray R/o village- Kolhrampur, P.S.- Barahara, District- Bhojpur.
3. Jhameli Ray S/o Khakhanu Ray R/o village- Kolhrampur, P.S.- Barahara, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Mr. Arun Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      10-05-2022                      Heard learned counsel for the petitioners and learned  
APP for the State.

Petitioners No.1 and 2 apprehend their arrest in Barahara P.S. Case No.163 of 2021, registered for the offences punishable under Sections 379 and 420 of the Indian Penal Code, Rule 11, 56(1) of Bihar Mineral (Concession Prevention of Illegal Mining Transportation and Storage) Rule, 2019 as well as under Section 15 of Environmental Protection Act, 1986.

Allegedly, 2200 CFT and 800 CFT respectively yellow sand has been recovered from the land of the petitioners.

Learned counsel for the petitioners submits that petitioners are quite innocent and have committed no offence. They have falsely been implicated in this case. No such



occurrence, in the manner as alleged, has ever taken place. No recovery has been made from the conscious physical possession of the petitioners. Petitioners have no concern with the recovered sand or have no trade of illegal mining of sand. The said recovery has been made from the land of the co-accused. Petitioners have no criminal antecedent.

Petitioners No.1 and 2 are agreed to deposit the loss amount of Rs.1,24,730/- and Rs.51,720/- respectively to the Mines Department, as per the assessment of the department.

Having regard to the facts and circumstances of the case, since the petitioners are agreed to deposit the amount assessed by the department, let petitioners no.1 and 2, 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 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 Chief Judicial Magistrate, Bhojpur at Ara in connection with Barahara P.S. Case No.163 of 2021, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

However, the learned court below is directed to accept the bail bonds of the petitioners no.1 and 2 after showing receipt



of deposit of Rs.1,24,730/- and Rs.51,720/- respectively in the  
Mines Department.

(Anjani Kumar Sharan, J.)

Sanjay/-

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