

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53263 of 2021

Arising Out of PS. Case No.-263 Year-2021 Thana- KOILWAR District- Bhojpur

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1. SHAMBHU PASWAN Son of Parikha paswan Resident of Village- Surondha Colony, P.S.- Koilwar, District- Bhojpur.
 2. Mukesh Paswan Son of Devi Dayal Paswan Resident of Village- Surondha Colony, P.S.- Koilwar, District- Bhojpur.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 18-02-2022 Heard both the parties through video conferencing.

The petitioners seek bail in anticipation of their arrest in connection with Koilwar P.S. Case No.263 of 2021 instituted for the offences under Sections 379/34 of the Indian Penal Code & Rule II, 56 (I) of Bihar Mineral (Concession Prevention of Illegal Mining Transportation and Storage Rule), 2019, 15 of Environment Protection Act, 1986, Section 21 of MMDR Act, 1957.

Learned counsel for the petitioners submits that the petitioner is neither owner of the boat nor the tractor which are allegedly involved in illegal mining of sand. However, this court finds that after inquiry conducted by the Mining Inspector, the



names of the petitioners have been found to be involved in the sand mining activity on the river belt, which is directly affecting the eco balance. The offence is not only under rules of Bihar Mineral (Concession Prevention of Illegal Mining Transportation and Storage Rule), 2019 and but under the 15 of Environment Protection Act, 1986. The officials ought to seize the concerned boat also so that such offences may be prevented.

In the present case, considering the involvement as found in the preliminary inquiry, the petitioner being involved in wrongful sand mining activity, I am not inclined to allow the anticipatory bail to the petitioners.

The same is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

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