

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45502 of 2022

Arising Out of PS. Case No.-130 Year-2022 Thana- RANIYATALAB District- Patna

1. VIJAY PRASAD Son of Lala Prasad Resident of Chanda Chak, Patharahat, Nadawan, Police Station - Dhanarua, District - Patna.
2. Shivnath Prasad Son of Dhuri Singh Resident of Nawgarh, Asrahi, Nalanda, Police Station- Hilsa, District - Nalanda.
3. Satyendra Kumar Son of Krishna Yadav Resident of Pathak Milki , Ward No. 10, Belhauri, Police Station - Dulhin Bazar, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
		Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-11-2022 Heard learned senior 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, 411 and 420 of the Indian Penal Code and 11/56 of Bihar Mining Concession, Prohibition, Illegal Mining and Transportation Storage Rules.

Learned senior counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that two Hywa vehicles loaded with 850 CFT of sand were seized.

Learned senior counsel for the petitioners submits that



petitioners have been falsely implicated in the present case. It is further submitted that even presuming what has been alleged is true, without admitting, then the offence is compoundable and the petitioners are ready and willing to pay the penalty for compounding the offence. It is next submitted, at the cost of repetition, that the petitioners are willing to get the offence compounded by paying the penalty but the Department of Mines is not furnishing them the requisite penalty which has to be paid by the petitioners.

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 trial court within a period of six weeks from today, be released on **provisional 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 trial court where the case is pending/successor court in connection with Rani Talab P.S. Case No. 130 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, if the provisional bail of the petitioners shall be confirmed, if within 2 months from being released on



provisional bail, the penalty amount is paid and receipt showing
payment of penalty is filed in the learned trial court.

(Satyavrat Verma, J)

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