

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60586 of 2021

Arising Out of PS. Case No.-336 Year-2021 Thana- HISUWA District- Nawada

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1. RUNNI DEVI W/o Amit Kumar Resident of Village - Jhikarua, P.S.- Hisua, District- Nawada.
 2. AMIT KUMAR Son of Naresh Paswan Resident of Ward No. 2, English Tola, P.S.- Lakhisarai (Town), District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Department of Mines and Mineral, Government of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Man Mohan Kumar, Advocate
For the Opposite Party/s :	Mr. Shyameshwar Dayal, A.P.P.
	Mr. Naresh Dixit, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-07-2022 Heard learned counsel for the parties.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 379 of the Indian Penal Code, Section 21 of the MMDR Act, 1957, Section 15 of the Environment Protection Act, 1986 and Section 56 of the BM (Concession Prevention) Rules, 2019.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.

The informant alleges that based on earlier information, he reached the place of occurrence and a truck as detailed in the FIR was apprehended carrying 1155 CFT of sand and 100 CFT of sand was lying on the ground. Accordingly, the



driver and the cleaner of the truck were arrested. It is alleged that the approximate loss of revenue which occurred to the government was to the tune of Rs.51,500/-.

Learned counsel for the petitioners submits that petitioners are innocent. Petitioner no. 1 is a lady, aged about 24 years and the alleged truck was registered in her name. It is next submitted that she was completely unaware that the cleaner of the truck was misusing the same for such illegal purposes with the help of an accused when the driver of the truck is petitioner no. 2. It is next submitted that the assessed loss has been paid by the petitioners which would be evident from Annexure-3 to the anticipatory bail application.

Learned A.P.P. and learned counsel for the Mines Department opposed the prayer for anticipatory bail of the petitioners but are not in a position to rebut the submission of the learned counsel for the petitioners that the assessed loss has been paid and the petitioners were not apprehended from the spot and petitioner no. 1 is a lady.

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 Hisua
P.S. Case No. 336 of 2021, subject to the conditions as laid
down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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