

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63548 of 2021

Arising Out of PS. Case No.-90 Year-2021 Thana- RANIYATALAB District- Patna

1. RANJEET KUMAR @ RANJIT KUMAR, S/o- Binay Kumar Singh, R/o Village- Sarasat, P.S.- Naubatpur, District- Patna. (Owner of TATA Hitachi Pro Orange, Color, Identify No. THEDCRLOLOOOO1435), Prop. Jai Mata Di Road Construction Pvt. Ltd.
2. Dharmendra Kumar, S/o- Chandeshwar Singh, R/o- Sadar Hospital, Ara, P.S.- Town, District- Bhojpur (Driver of TATA Hitachi Pro, Orange Color, Identify No. THEDCRLOLOOOO1435).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Patanjali Rishi, Advocate
		Mr. Umesh Kumar Singh, Advocate
For the Opposite Party	:	Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 28-04-2022 Heard learned counsel for the parties.

Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

This application for anticipatory bail arises out of Rani Talab P.S. Case No. 90 of 2021 (G.R. No. 1609 of 2021) for the offence punishable under Sections 379/411/420/34 of the Indian Penal Code, MMDR Act, 1957, Rule 21 and Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019- 11/56.

Learned counsel for the petitioners submits that



the petitioners are the owner and driver of the Tata Hitachi Pro Orange Machine and the mining continued before 01.05.2021 and thereafter the machines were left there by the owners in the hope that it will be required further when the mining is permitted.

Learned counsel for the petitioners has drawn the attention of this Court to Annexure-3, which is Machine Operating Information Report, and has submitted that the machine has not been used because in the machine operating information report, it has been mentioned that the machine operating hour is 2.6 hours and the swing operation ratio is 11% (.2 hour) i.e. about 12 minutes approximately. He further submits that from Annexure-3, it is clear that the machine was not being used in the illegal sand mining.

Considering the aforesaid facts and also the fact that the petitioners have clean antecedents, this bail application is allowed.

Let the petitioners, above named, in the event of their arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- 2nd



Danapur, District- Patna, in connection with Rani Talab P.S.
Case No. 90 of 2021 (G.R. No. 1609 of 2021), subject to the
conditions as laid down under Section 438(2) of the Code of
Criminal Procedure.

(Sandeep Kumar, J)

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