

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67673 of 2021

Arising Out of PS. Case No.-150 Year-2021 Thana- BARUN District- Aurangabad

INDRAJIT SINGH Son of Bindeshwari Singh Resident of Village - Sahaspur,
P.S.- Barun, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Director Mining Department Bihar, Patna. Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 68024 of 2021

Arising Out of PS. Case No.-190 Year-2021 Thana- RAJPUR District- Buxar

ANIL KUMAR SINGH @ ANIL YADAV Son of Chandrama Singh Resident
of Village- Gopi Bigha, P.S.- Dehri, District- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 68639 of 2021

Arising Out of PS. Case No.-190 Year-2021 Thana- RAJPUR District- Buxar

BIPIN KUMAR Son of Ram Kripal Singh Resident of Village - Gopi Bigha,
P.S.- Dehri, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 67673 of 2021)

For the Petitioner/s : Mr.Binod Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

: Mr.Naresh Dikshit, Advocate

(In CRIMINAL MISCELLANEOUS No. 68024 of 2021)

For the Petitioner/s : Mr.Uma Shankar Singh, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

Mr.Naresh Dikshit, Advocate

(In CRIMINAL MISCELLANEOUS No. 68639 of 2021)

For the Petitioner/s : Mr.Uma Shankar Singh, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

: Mr.Naresh Dikshit, Advocate



CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-07-2022 **CRIMINAL MISCELLANEOUS No.67673 of 2021**

Heard learned counsel for the petitioner, learned counsel for the Mines Department and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 341, 353, 379 and 411 of the Indian Penal Code read with Section 21 of the M.M.D.R. Act and Section 15 of the Environment Protection Act.

Learned counsel for the petitioner submits that vide order dated 16.06.2022, Department of Mines was directed to file a counter affidavit but till date the same has not been filed. It is next submitted petitioner is a person with clean antecedent and the informant alleges that several tractors carrying sand were apprehended as the sand was being illegally mined.

Learned counsel for the petitioner submits that the petitioner was not arrested from the spot, it is next submitted that one of the tractors belong to the petitioner and he was completely unaware that the driver of the tractor was misusing the vehicle for some illegal purpose. Learned counsel next submits that since the tractor belongs to the petitioner, as such



the petitioner is willing to compound the offence by depositing the amount as asked for by the Department of Mines.

The learned counsel appearing on behalf of the Department of Mines submits that within a week from today, the petitioner would be intimated about the amount which is required for compounding the offence.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, **be released on provisional anticipatory bail** on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty 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 Barun P.S. Case No. 150 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, the provisional bail granted to the petitioner shall be confirmed if the petitioner shows receipt depositing the amount for compounding within the period of eight weeks.

In the event, if the petitioner is not able to produce any document relating to compounding within period of eight weeks then the provisional bail granted to the petitioner shall



stand cancelled.

CRIMINAL MISCELLANEOUS No. 68024 of 2021

Heard learned counsel for the petitioner, learned counsel for the Mines Department and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 379, 411 and 34 of the Indian Penal Code read with Sections 56(2) and 56(3) of the Bihar Minor Minerals and Concession Rules, 2021.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that two trucks laden with sand from Rajpur Chowk, were apprehended.

Learned counsel for the petitioner submits that from perusal of Annexure-2 it would manifest that the compounding fee has already been deposited, it is next submitted that petitioner came to be implicated merely because he is owner of one of the trucks though petitioner was not present at the place of occurrence and thus was not knowing that the driver of the vehicle was misusing the vehicle for indulging in illegal activity.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his 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 Rajpur P.S. Case No. 190 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

CRIMINAL MISCELLANEOUS No. 68639 of 2021

Heard learned counsel for the petitioner, learned counsel for the Mines Department and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 379, 411 and 34 of the Indian Penal Code read with Sections 56(2) and 56(3) of the Bihar Minor Minerals and Concession Rules, 2021.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that two trucks laden with sand were apprehended from Rajpur Chowk.

Learned counsel for the petitioner submits that from perusal of Annexure-2 it would manifest that the compounding



fee has already been deposited, it is next submitted that petitioner came to be implicated merely because he is owner of one of the trucks though petitioner was not present at the place of occurrence and thus was not knowing that the driver of the vehicle was misusing the vehicle for indulging in illegal activity.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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 Rajpur P.S. Case No. 190 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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