

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.187 of 2023

Arising Out of PS. Case No.-1125 Year-2022 Thana- BIHTA District- Patna

SURESH SINGH SIKARWAR Son of Kamal Sikarwar Resident of Village-
24 Gram, Ajeeta Gram Kheorli, Tehsil-Mahagaon, District- Bhind, Madhya
Pradesh-475115

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary Mines, Court of Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Mining, Govt. of Bihar, Patna
3. The Divisional Commissioner, Patna Commissioner, Patna
4. The District Magistrate, Patna
5. The District Mining Inspector, Patna
6. The Mining Development Officer, Patna
7. The Officer in Incharge, Bihta, Police Station Patna
8. The Investigation Officer, Bihta, Police Station Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sudhir Kumar Singh, Advocate Mr. Sanjay Kumar, Advocate
For the Respondent/s	:	Ms. Sanghamitra Ghosh, AC to GA-7
For Mines	:	Mr. Naresh Dikshit, Spl. PP Mr. Utsav Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-10-2023 Heard learned counsel for the petitioner and Mr. Naresh Dikshit, learned Special P.P. for the Mines, Government of Bihar.

2. Petitioner in the present writ application is seeking a writ in the nature of mandamus directing the respondents concerned to release the excavators which have been seized by respondent no.5 on an allegation that it was engaged in illegal



mining activities.

3. Learned counsel for the petitioner submits that the petitioner is ready to make payment of fine whatever is imposed by the concerned authorities.

4. Mr. Naresh Dikshit, learned Spl.P.P. for the Department of Mines submits that the department is ready to consider the request of the petitioner for release of the vehicle on payment of fine, therefore the petitioner may appear before the Mining Development Officer, Patna (Respondent No.6) and pray for release of the vehicle which will be considered by respondent no.6 in accordance with law.

5. Learned counsel further submits that respondent no.6 shall deal with the case of the petitioner in identical manner as has been done in case of the others.

6. Having regard to the kind of submissions made on behalf of the parties, this writ application is being disposed of with liberty to the petitioner to appear before the Mining Development Officer, Patna (Respondent No.6) within two weeks from today and make an appropriate prayer for release of the vehicle which will be considered by respondent no.6 in accordance with law and an appropriate order shall be passed within a maximum period of two weeks thereafter.



7. If the petitioner complies with the order/direction of the respondent no.6, the vehicle in question may be released.

8. However, this Court must put a word of caution to the respondent no.6 that he shall deal with the case of the petitioner in similar manner as has been done in case of others and there should not be any discrimination.

9. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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