

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14580 of 2023

Arising Out of PS. Case No.-116 Year-2022 Thana- AMARPUR District- Banka

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Rupesh Kumar @ Rupes Kumar S/O Kailash Sah R/O Village- Bhadaria, P.S-
Amarpur, District- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Bihar Mines and Minerals Department Patna, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-05-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The accused/petitioner is named in the F.I.R. and
apprehend his arrest in connection with Amarpur P.S. Case No.
116 of 2022 registered for the offences punishable under
Sections 379 and 411 of the Indian Penal Code (in short 'I.P.C.')
with Section 56 of Bihar Minerals (Concession Prevention of
Illegal Mining, Transportation and Storage Rules, 2019), under
Section 21 of the M.M.D.R. (The Mines and Minerals
Development and Regulation Act), 1957 and under Section 15



of the Environment Act.

The allegation against this petitioner is to involve in illegal mining activities of sand, where the illegal sand was recovered from his tractor bearing registration no. BR51G3189.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is the driver of alleged tractor bearing registration no. BR51G3189 from where illegal sand alleged to be recovered and having no concerned with illegal activities. It is submitted that owner of tractor deposited loss/fine amount with department as it appears from letter no. 1662/M, dated 20.09.2022. It is further submitted that import of Section 379 and 411 of the I.P.C. is only to aggravate the allegation and without having any occasion. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances as mentioned above, as petitioner is a driver, where loss/fine amount is already deposited with department, accordingly, the above named petitioner, in the event of his arrest or surrender before the court below within a period of four weeks of this order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of



the like amount each to the satisfaction of the learned Chief
Judicial Magistrate, Banka/concerned Court, where the case is
pending in connection with Amarpur P.S. Case No. 116 of 2022,
subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

(Chandra Shekhar Jha, J)

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