

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19145 of 2023

Arising Out of PS. Case No.-329 Year-2022 Thana- BARUN District- Aurangabad

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RANJAN KUMAR SON OF LAKSHMAN SINGH RESIDENT OF
VILLAGE- CHHAKAN BIGHA, PS- BARUN, DISTRICT-
AURANGABAD

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE PRINCIPAL SECRETARY-CUM-COMMISSIONER, DEPARTMENT
OF MINES AND GEOLOGY, GOVERNMENT OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mukul Kumari, Advocate
For the Opposite Party/s	:	Mr. Shyameshwar Dayal, APP
For the Dept. of Mines	:	Mr. Naresh Dixit, Advocate
		Mr. Brij Bihari Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-06-2023 Heard learned counsel for the petitioner and learned

A.P.P. for the State alongwith learned counsel appearing for the

Department of Mines.

The petitioners apprehend his arrest in a case registered for the offences punishable under Sections 379/411 of the Indian Penal Code and Rule 04(1-A) of the Mines and Minerals (Development and Regulation) Act and Rules 11, 18, 41 and 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage Rules).

The learned counsel for the petitioner submits that petitioner has antecedent of one case and the informant alleges



that three trucks were seized loaded with sand as detailed in the FIR and the driver of the vehicle fled leaving the vehicle at the spot, it is next alleged that by illegal mining of sand the State was put to loss of Rs. 2,39,625.

The learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such, nothing was recovered from his conscious possession, it is next submitted that petitioner is not the owner of any of the alleged vehicle and he came to be implicated at the instance of local chowkidar who disclosed the name of the petitioner as also one of the accused indulged in sand mining. The learned counsel for the petitioner further submits that the offences are compoundable and the owner of the vehicle will have to pay the compounding fees then only the vehicle would be released as such the Government has not been put to any loss and in the event, if the offence is not compounded then in that event the vehicle can be auctioned.

Learned counsel for the Department of Mines opposes the prayer for anticipatory bail of the petitioners but not in a position to rebut the submission of the learned counsel for the petitioner that the petitioner is not the owner of any of the alleged seized vehicles.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Barun P.S. Case No. 329 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Adnan/-

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