

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20818 of 2023

Arising Out of PS. Case No.-229 Year-2022 Thana- SIWAIPATTI District- Muzaffarpur

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ROHIT KUMAR S/O BHARAT SAH R/O MOHALLA HARPUR BASDEO
MILKI, P.S.- MINAPUR, DISTRICT- MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 21412 of 2023

Arising Out of PS. Case No.-229 Year-2022 Thana- SIWAIPATTI District- Muzaffarpur

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BINOD SAH @ VINOD KUMAR SAH SON OF RAJENDAR SAH
RESIDENT OF VILLAGE - HARPUR BASDEO MILKI, P.S. - MINAPUR,
DISTT. - MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 20818 of 2023)

For the Petitioner/s : Mr. Mani Bhushan Kumar

For the Opposite Party/s : Mr. Shyameshwar Dayal

For the Mines Department : Mr. Naresh Dikshit

(In CRIMINAL MISCELLANEOUS No. 21412 of 2023)

For the Petitioner/s : Mr. Mani Bhushan Kumar

For the Opposite Party/s : Mr. Shyameshwar Dayal

For the Mines Department : Mr. Naresh Dikshit

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 11-09-2023 As both these bail applications have cropped up from

the same police station case number, hence, with consent of

parties, they are being heard together and disposed of by this

common order.

2. Heard learned counsel for the petitioners, learned



A.P.P. for the State and learned counsel for the Mines Department.

3. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 379 of the Indian Penal Code, Section 4/21 of the Mines and Minerals Act, 1957 and Section 56 (I) (2) of the Bihar Mines Prevention of Illegal Mining, Transporting and Storage Act.

4. The petitioners are said to have involved in excavating the illegal mining and they have allegedly caused loss to Rs.8.25 lakhs of the government revenue.

5. It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. It is further submitted that petitioner of Cr. Misc. No.20818 of 2023 is the owner of the J.C.B., whereas petitioner of Cr. Misc. No.21412 of 2023 is the driver of the said J.C.B. The allegation levelled against the petitioners is not specific rather general and omnibus in nature.

It is further submitted that petitioners are ready to deposit the alleged loss amount of Rs.8.25 lakhs in the account of the Mines Department. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

6. Learned counsel for the Mines Department submits that he



has no objection in granting the privilege of bail to the petitioners if they are ready to deposit the loss amount.

7. Having regard to the facts and circumstances of the case, let the above named petitioners, be released on **provisional bail** for a period of six months, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Siwaipatti P.S. Case No.229 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. The learned court below is directed to confirm the bail bond of the petitioners after satisfying that they have deposited the loss amount to the tune of Rs.8.25 lakhs in the account of the Mines Department.

(Anjani Kumar Sharan, J)

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