

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24766 of 2023**

**In
CRIMINAL MISCELLANEOUS No.53870 of 2022**

Arising Out of PS. Case No.-396 Year-2022 Thana- SHEKHPURA District- Sheikhpura

RADHEY SHARMA Son of Late Harangi Singh Resident of village Nimmi,
P.S. Shekhopur, District Sheikhpura

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. The Mineral Development Officer, Sheikhpura, Bihar Sheikhpura, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Suraj Samdarshi, Adv.
For the Opposite Party/s	:	Mr.Ramchandra Sahni, APP
For the Mines Dept.	:	Mr.Naresh Dikshit, Adv.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 19-04-2023 This application has been filed for modification of the order dated 06.02.2023 passed in Cr. Misc. No.53870 of 2022, at page-3, para-3, whereby, bail was granted to the petitioner on the condition that petitioner is ready to pay Rs.50 Lakhs per month for the next six months to the Mining Department, subject to the final outcome of the civil proceedings.

It is submitted by learned counsel for the petitioner submits that on the said date, it was submitted on his behalf that without prejudice to the interest of the petitioner, the disputed demand pending adjudication, the petitioner is ready to pay Rs.50 Lakhs per month for the next six months, “*if the Mining Department permits the petitioner to remove the stock of*



already excavated mineral lying at the mining site”, but the same could not come in the observation of the Court, as such, the same may be rectified.

Having gone through the facts and circumstances of the case and submission made on behalf of the petitioner, I find that due to inadvertence, the said condition could not typed in the concluding paras.

Considering the same, the order dated 06.02.2023 passed in Cr. Misc. No.53870 of 2022 is corrected to the extent that para-3 of page-3 top few lines, be read as “Having regard to the facts and circumstances of the case as well as the fact that the petitioner is ready to pay Rs.50 Lakhs per month for the next six months to the Mining Department, subject to the final outcome of the civil proceedings, *also subject to the condition that the Mines Department will permit the petitioner to remove the stock of already excavated mineral lying at the mining site*, let the above named petitioner, be released on bail....”.

The period to surrender is also extended by four weeks from today in connection with Sheikhpura P.S. Case No.396 of 2022, pending in the court of learned Chief Judicial Magistrate, Sheikhpura, subject to deposit of Rs.2000/- (Rs. Two Thousand) in the Victim Compensation Fund, Bihar.



The order dated 06.02.2023 passed in Cr. Misc. No.53870 of 2022 is modified to the extent as indicated above. Rest of the order shall remain intact.

Let this order be read along with the order aforesaid.

Mines Department should ensure compliance of the order.

Accordingly, this modification application stands disposed of.

(Anjani Kumar Sharan, J)

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